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# ILLINOIS

## REGISTER

RULES **ILLINOIS DOCUMENTS**  
OF GOVERNMENTAL  
AGENCIES **MAY 05 2000**

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May 05, 2000

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EDITOR'S NOTE: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indices are as follows:

- Issue 16 - April 14, 2000: Data Through March 31, 2000
- Issue 29 - July 14, 2000: Data Through June 30, 2000
- Issue 42 - October 13, 2000: Data Through September 30, 2000
- Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)



## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Numbers:
- |           |           |                  |
|-----------|-----------|------------------|
| 3000.115  | Amendment | Proposed Action: |
| 3000.238  | New       |                  |
| 3000.636  | Amendment |                  |
| 3000.930  | Amendment |                  |
| 3000.1000 | Amendment |                  |
| 3000.1010 | Amendment |                  |
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: The primary reason for amending and adding the above-cited rules is to reflect changes in the conduct of riverboat gambling in Illinois due to the adoption of PA 91-40. Amendments to Sections 3000.115, 3000.1000 and 3000.1010 concern the records to be retained by holders of Owner's and Supplier's licenses. The licensees are required to maintain copies of numerous, voluminous documents related to their gaming operations. Some of these documents are no longer necessary to the operation or enforcement of gaming in Illinois. Moreover, permitting the Administrator to establish, and modify, a Retention Schedule for the various documents, will ease the licensees' record-keeping burdens without compromising the availability of necessary documents to the Board. New Section 3000.238 would permit the Board to seek court approval for the appointment of a receiver to oversee gaming operations should a licensee significantly fail to manage its riverboat gaming operation. Section 3000.238 would permit a riverboat gaming operation to continue to operate, under court supervision, while the non-renewal, revocation or suspension of the license is addressed via the administrative hearing process. Amendments to Section 3000.636 reflect a technical change in the rule. Finally, amendments to Section 3000.930 concern the sale and service of alcoholic beverages. The old Section 3000.930 restricted the sale and service of alcoholic beverages to times during which the riverboats cruised. Since the advent of dockside gaming, no riverboat has conducted scheduled cruise excursions. Consequently, the Board needs to authorize the sale and service of alcoholic beverages during non-excursion times. Additionally, the Board would like to establish a uniform policy for the sale of alcoholic beverages on board all riverboat gaming facilities in the State.
- 6) Will these proposed amendments replace emergency amendments current in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit comments in writing concerning this proposed rulemaking by no later than 45 days after publication of this notice to:
- Mareil B. Cusack  
Chief Counsel  
Illinois Gaming Board  
160 N. LaSalle, Suite 300S  
Chicago, Illinois 60601  
(312)814-4700; FAX (312)814-8798.
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and for profit corporations affected: None
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000
- The full text of the proposed amendments begins on the next page.



## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

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CHAPTER IV: ILLINOIS GAMING BOARDPART 3000  
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 3000.1140 Proceedings  
 3000.1145 Evidence  
 3000.1146 Prohibition of Ex Parte Communication  
 3000.1150 Sanctions and Penalties  
 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5,



## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999, for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 3000.115 Records Retention

- a) All holders of Owner's licenses or Supplier's licenses shall maintain in a place secure from theft, loss or destruction adequate records of business operations which shall be made available to the Board upon request. These records shall be held for at least as long as prescribed by the periodically published Records Retention Schedule, or longer if otherwise prescribed by general accounting and auditing procedures, litigation needs, or State or federal law. These records shall be maintained in a manner accessible to the Board or as otherwise prescribed by the Board for at least five (5) years. These records shall include but are not limited to:
- 1) All correspondence with or reports to the Board or any local, state or federal governmental agency;
  - 2) All correspondence concerning the acquisition, construction, maintenance, or business of a proposed or existing Riverboat or Support Facility;
  - 3) Copies of all promotional material and advertising; and
  - 4) A personnel file on each employee.

- b) A holder of an Owner's license, in such manner and for such time period as the Administrator may approve or require, shall keep accurate, complete and legible and permanent records of any books, records or document pertaining to, prepared in, or generated by the Riverboat Gaming Operation, regardless of physical form or characteristics or subject matter, including, but not limited to, all forms, reports, accounting records, ledgers, subsidiary records, computer maintained and generated data, internal audit records, internal control records, copies of all promotional material and

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

advertising, correspondence and personnel records.

- 1) The Administrator shall publish and periodically update the Retention Schedule for records to be held by a holder of an Owner's license.
- 2) The ownership records shall be maintained as provided in Section 3000.1000.
- 3) The accounting records shall be maintained as provided in Section 3000.1010.
- c) All records shall be organized and indexed in such a manner to provide immediate accessibility to agents of the Board.
- d) No original book, record or document required to be maintained by this Section may be destroyed by a holder of an Owner's or Supplier's license prior to the scheduled retention date without prior approval of the Administrator. No original book, record or document necessary or useful to the audit or certification of a holder of an Owner's license's gross receipts may be destroyed unless and until it has been copied and stored.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART B: LICENSES

## Section 3000.238 Appointment of Receiver for an Owner's License

- a) Petition for Appointment of Receiver
- 1) The Board may petition the local circuit court in which the Riverboat is situated, as provided under the Code of Civil Procedure, for appointment of a receiver for a riverboat gambling operation when any of the following conditions exist:
    - A) the Board has suspended, revoked or refused to renew the license of the owner; or
    - B) the riverboat gambling operation is closing and the owner is voluntarily surrendering the Owner's license.
  - 2) A copy of the petition and notice of a hearing shall be served on the holder of an Owner's license as provided under the Code of Civil Procedure.
  - 3) The holder of an Owner's license may seek review before the Illinois Gaming Board for the revocation, non-renewal, or suspension of the license. However, the circuit court in which the Board has filed a petition for a receiver shall have sole jurisdiction over any and all issues pertaining to the appointment of a receiver. In no instance shall the holder of an Owner's license seek review of the appointment of a receiver or decision of the Board to seek appointment of a receiver under any of the Board's administrative procedures.
  - 4) The Board may seek appointment of a receiver for a riverboat gambling operation on an emergency basis, as provided under the

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

Code of Civil Procedure, and seek appointment of an interim receiver or a receiver pendente lite.

5) The Board shall specify the specific powers, duties, and limitations the Board seeks for the receiver, including but not limited to the authority to:

- A) hire, fire, promote and discipline personnel and retain outside employees or consultants;
- B) take possession of any and all property, including but not limited to books, records and papers;
- C) preserve and/or dispose of any and all property;
- D) continue and direct the gaming operations under the monitoring of the Board;
- E) discontinue and dissolve the gaming operation;
- F) enter into and cancel contracts;
- G) borrow money and pledge, mortgage or otherwise encumber the property;

- H) pay all secured and unsecured obligations;
- I) institute or defend actions by or on behalf of the holder of an Owner's license; and
- J) distribute earnings derived from gaming operations in the same manner as admission and wagering taxes are distributed under Sections 12 and 13 of the Riverboat Gambling Act.

b) Receiver and Duties of the Receiver

1) The Board shall submit at least three nominees to the court. The nominees may be individuals or entities selected from a Board approved list of pre-qualified receivers who meet the same criteria for a finding of preliminary suitability for licensure under Section 3000.230(c)(2)(B) and (C). In the event that the Board seeks the appointment of a receiver on an emergency basis, the Board shall submit at least two nominees selected from the Board approved list of pre-qualified receivers to the court and shall issue a Temporary Operating Permit to the receiver appointed by the court.

2) A receiver, upon appointment by the court, shall before assuming his or her duties execute and post the same bond as an Owner's licensee pursuant to Section 10 of the Riverboat Gambling Act.

3) The receiver shall function as an independent contractor, subject to the direction of the court. However, the receiver shall also provide to the Board regular reports and provide any information deemed necessary for the Board to ascertain the receiver's compliance with all applicable rules and laws. From time to time, the Board may, at its sole discretion, report to the court on the receiver's level of compliance and any other information deemed appropriate for disclosure to the court.

4) The term of the receiver shall be set by the court.

5) The receiver shall provide to the court and the Board at least 30 days written notice of any intent to withdraw from the appointment or to seek modification of the appointment.

## ILLINOIS GAMING BOARD

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c) Compensation

1) The court shall set the amount of reasonable compensation, fees, and expenses to be assessed and retained by the receiver from the adjusted gross receipts of the riverboat gambling operation, after the payment of wagering taxes and admission taxes and any other State or federal taxes, for the services, costs, and expenses of the receiver or for the persons whom the receiver may engage to assist him or her in performing his or her duties, unless otherwise set by court. The Board shall provide to the court its recommendation for a reasonable compensation at the time that the Board submits its recommendation for a receiver.

2) The receiver shall maintain and provide to the court and the Board a complete accounting of all expenses and costs incurred in relation to the receiver's duties. The receiver shall maintain such records for a period of at least five years from the date of termination of the appointment.

d) Effect on the Holder of an Owner's License and the Gaming Operation Except as otherwise provided by action of the Board, the gaming operation shall be deemed a licensed operation subject to all rules of the Board. The receiver, his or her outside employees and consultants, and employees of and suppliers to the gaming operation shall be subject to all rules of the Board.

e) Action of the Board

If the Board determines to file a Petition for Appointment of Receiver, it shall direct the Administrator to seek representation from the Attorney General and to undertake any and all activities related to the filing of the petition. The Board shall direct the Administrator to undertake any and all activities related to the monitoring of the gaming operation during the duration of the appointment of a receiver.

f) Severability of this Rule

If any of the terms, provisions, Sections, and/or subsections of this Rule shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall in no event affect any of the terms, provisions, Sections or subsections of this Rule, and all such other terms, provisions, Sections and subsections shall be valid and enforceable to the fullest extent possible.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: CONDUCT OF GAMING

**Section 3000.636 Distribution of Coupons for Complimentary Chips, and Tokens and Cash**

a) The holder of an Owner's license license may, for specified marketing purposes, provide patrons of its Riverboat Gaming Operation coupons



## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

redeemable for complimentary Chips, ~~or~~ Tokens, ~~or~~ cash with the approval of the Administrator and subject to the following requirements:

- 1) The processes and procedures for the control, accountability and distribution of coupons for Chips, ~~and~~ Tokens, ~~or~~ cash and for the redemption of such coupons are provided for in the holder of an Owner's license's ~~license's~~ Internal Control System and in conformance with the Internal Control System;
  - 2) The aggregate dollar value of Chips, ~~or~~ Tokens, ~~or~~ cash authorized for complimentary purposes is not excessive in light of the specific marketing objectives of the licensee; and
  - 3) Periodic internal audits validate the integrity and accountability of the processes and procedures authorized and required under this Section.
- b) Any provider of goods or services involved in approved coupon distribution processes and procedures under this Section may be required under this Part and the Act to be licensed as a Supplier.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART I: LIQUOR LICENSES

## Section 3000.930 Hours of Sale

~~A local law or ordinance applicable to the dock or to locations where Riverboat patrons embark or disembark--to the contrary notwithstanding--a holder of an Owner's license license may sell alcoholic beverages or furnish or permit the same to be consumed on the Riverboat at any time between the hours of 10:00 a.m. and 2:00 a.m. on Monday through Saturday, and at any time between the hours of 10:00 a.m. and 1:00 a.m. on Sunday each gaming day. A gaming day may begin on one calendar day and end the next calendar day, provided that the gaming day does not extend beyond the uniform 24-hour period selected in advance by the licensee. during a scheduled excursion or as the Administrator shall determine consistent with such scheduled excursion.~~

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: ACCOUNTING RECORDS AND PROCEDURES

## Section 3000.1000 Ownership Records

A holder of an Owner's license shall keep on a permanent basis and provide to the Board upon request the following records.

- a) If a corporation:
  - 1) A certified copy of the articles of incorporation and any amendments;

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) A certified copy of the bylaws and any amendments;
- 3) A certificate of good standing from the state of its incorporation;
- 4) A certificate of authority from the Illinois Secretary of State authorizing it to do business in Illinois, if such corporation is operating as a foreign corporation in Illinois;
- 5) A list of all current and former officers and directors;
- 6) A certified copy of minutes of all meetings of the stockholders and directors;
- 7) A current list of all stockholders including the names of beneficial owners of shares held in street or other names;
- 8) The name of any business entity and a current list of all stockholders in such entity, including the names of beneficial owners of shares held in street or other names, in which such corporation has a direct, indirect or attributed interest;
- 9) A copy of the stock certificate ledger;
- 10) A complete record of all transfers of stock;
- 11) A schedule of amounts paid to the corporation for issuance of stock and other capital contributions and dates thereof;
- 12) A schedule of all dividends distributed by the corporation; and
- 13) A schedule of all salaries, wages, and other remuneration (including perquisites), direct or indirect, paid during the calendar or fiscal year, by the corporation, to all officers, directors, and stockholders with an ownership interest at any time during the calendar or fiscal year, equal to or greater than five-percent-~~t~~ 5% of the outstanding capital stock of any class of stock.

## b) If a partnership:

- 1) A certified copy of the partnership agreement;
- 2) A certificate of limited partnership of its domicile;
- 3) A list of the partners, including names, addresses, the percentage of interest in net assets, profits and losses held by each, the amount and date of each capital contribution of each partner, and the date the interest was acquired;
- 4) A schedule of all withdrawals of partnership funds or assets; and
- 5) A schedule of salaries, wages and other remuneration (including perquisites), direct or indirect, paid to each partner during the calendar or fiscal year.

## c) If a sole proprietorship:

- 1) A schedule showing the name and address of the proprietor and the amount and date of his original investment;
- 2) A schedule of dates and amounts of subsequent additions to the original investment and any withdrawals; and
- 3) A schedule of salaries, wages and other remuneration (including perquisites), direct or indirect, paid to the proprietor during the calendar or fiscal year.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS GAMING BOARD

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## Section 3000.1010 Accounting Records

- a) The holder of an Owner's license shall keep, in accordance with the retention schedule, and provide to the Board upon request the following records: maintain complete, accurate, legible and permanent records of all transactions pertaining to its revenues and expenses, assets, liabilities and equity. The Administrator may, from time to time, direct the holder of an Owner's license to alter the manner in which such records are maintained.
- b) The accounting records shall be maintained using a double entry system of accounting with transactions recorded on the accrual basis and supported by detailed and subsidiary records.
- b c) The Administrator shall prescribe a uniform chart of accounts including account classifications in order to insure consistency, comparability, and appropriate disclosure of financial information. The prescribed chart of accounts shall be the minimum level of detail to be maintained for each accounting classification by the holder of an Owner's license.
- c d) The detailed subsidiary records shall include as a minimum the following:
- 1) Detailed general ledger accounts identifying all revenue sources, expenses, assets, liabilities and equity for the holder of an Owner's license;
  - 2) Records of all investments, advances, loans and receivable balances, other than patron checks, due the establishment;
  - 3) Record of all loans and other amounts payable by the holder of an Owner's license;
  - 4) Record of all patron checks initially accepted by the holder of an Owner's license, deposited by the owner, returned to the owner as "uncollected" and ultimately written-off as uncollectible by the holder of an Owner's license;
  - 5) Journal entries prepared by the holder of an Owner's license and the independent accountant selected by the Administrator;
  - 6) Tax workpapers used in preparation of any state or federal tax return;
  - 7) Records that which identify Table Drop, Table Win and percentage of Table Win to Table Drop for each live table Game and those records accumulated for each type of live table Game, either by shift or other accounting period approved by the Administrator;
  - 8) Records that which identify the actual tokens-in, tokens-out, Electronic Gaming Device Drop, Electronic Gaming Device Win, Electronic Gaming Device Win to Electronic Gaming Device Drop and Theoretical Payout Percentage for each Electronic Gaming Device on a per day basis or other accounting period approved by the Administrator;
  - 9) Records supporting the accumulation of the costs for

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- complimentary services and items. A complimentary service or item provided to patrons in the normal course of an owner's business shall be recorded at an amount based upon the full retail price normally charged for such service or item;
- 10) Records that which identify the purchase, receipt, and destruction of Gaming Chips and Tokens from all sources including receipts from bill-changers;
  - 11) Records required to fully comply with all the federal financial record-keeping Federal Financial Record-Keeping requirements as enumerated in title 31 CFR 6.7-R-7-Part 103;
  - 12) Records required by the holder of an Owner's license's Internal Control System;
  - 13) Workpapers supporting the daily reconciliation of cash accountability; and
  - 14) Records concerning the acquisition or construction of a proposed or existing Riverboat or Support Facility; and
  - 15) Any other records that the Administrator requires be maintained.
- d e) If a holder of an Owner's license license fails to maintain the records used by it to calculate the adjusted gross receipts Adjusted Gross--Receipts or the number of persons admitted on the riverboat Riverboat, the Administrator may compute and determine the amount upon the basis of an audit conducted by the Board based upon available information.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Medicaid Community Mental Health Services Program

2) Code Citation: 59 Ill. Adm. Code 132

Section Numbers:	Proposed Action:
132.25	Amend
132.42	Add
132.55	Amend
132.80	Amend
132.100	Amend
132.150	Amend
132.155	Amend

4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment adds a new Section, 132.42 "Post-Payment Review." This Section clarifies the Department's authority to conduct post-payment reviews on Medicaid-reimbursable programs and services offered by providers. Other Sections are amended to add new definitions and to clarify existing language.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Building  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

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If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment begins on the next page:

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TITLE 59: MENTAL HEALTH  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICESPART 132  
MEDICAID COMMUNITY MENTAL  
HEALTH SERVICES PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section	Purpose	Community Mental Health
132.10	Incorporation by Reference	
132.15	Clients' Rights and Confidentiality	
132.20	Definitions	
132.25	Application and Certification Process	
132.30	Recertification and Reviews	
132.35	Certification for Additional Medicaid	
132.40	Services and/or New Site(s)	
132.42	Post-Payment Review	
132.45	Suspension of Certification	
132.50	Termination of Certification	
132.55	<del>Certification</del> Appeal Criteria and Process	
132.60	Rate Setting	

## SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section	Purpose
132.65	Organizational Structure
132.70	Personnel and Administrative Recordkeeping
132.75	Program Evaluation
132.80	Fiscal and Statistical Requirements
132.85	Recordkeeping
132.90	Provider Site(s)
132.91	Accreditation

## SUBPART C: UTILIZATION REVIEW AND CONTINUITY OF SERVICES

Section	Purpose
132.95	Utilization Review
132.100	Clinical Records
132.105	Continuity and Coordination of Services
132.110	Availability of Services (Repealed)

## SUBPART D: CLINIC SERVICES

Section	Purpose
132.115	Provisions
132.120	Service Needs Evaluation

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132.125	Treatment Plan Development and Modification
132.130	Psychiatric Treatment
132.135	Crisis Intervention
132.140	Day Treatment

## SUBPART E: REHABILITATIVE SERVICES

Section	Purpose
132.145	Provisions
132.150	Rehabilitative Mental Health Services
132.155	Family Intervention, Stabilization and Reunification Services

## SUBPART F: CASE MANAGEMENT SERVICES

Section	Purpose
132.160	Provisions
132.165	Mental Health Case Management Services
132.170	Rehabilitative Case Management

Section	Purpose
132.175	Provisions
132.180	Mental Health Case Management Services
132.185	Rehabilitative Case Management

Section	Purpose
132.190	Provisions
132.195	Mental Health Case Management Services
132.200	Rehabilitative Case Management

**AUTHORITY:** Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

**SOURCE:** Emergency rules adopted at 16 Ill. Reg. 211, effective December 31, 1991, for a maximum of 150 days; new rules adopted at 16 Ill. Reg. 9006, effective May 29, 1992; amended at 18 Ill. Reg. 15593, effective October 5, 1994; emergency amendment at 19 Ill. Reg. 9200, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16178, effective November 28, 1995; amended at 21 Ill. Reg. 8292, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 21870, effective December 1, 1998; emergency amendment at 23 Ill. Reg. 4497, effective April 1, 1999, for maximum of 150 days; amended at 23 Ill. Reg. 10205, effective August 23, 1999; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 132.25 Definitions

For the purposes of this Part, the following terms are defined:



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"Adaptive functioning, stabilization and developmental interventions." Interventions with an individual or a group of individuals directed toward independent or age-appropriate functioning and emotional stability.

"Admission note." Documentation completed within 24 hours after a client's admission to a program providing comprehensive mental health services or comprehensive rehabilitative services. The purpose of the admission note is to document the initiation of the assessment and treatment planning process and the client's current mental health functioning level, provisional diagnosis, pertinent history, precautions, initial treatment plan and other relevant information. The admission note is completed by a staff with at least bachelor's degree in human services following a face-to-face meeting with the client and approved by at least a QMHP. Medicaid community mental health services may be provided to eligible clients for a maximum of 14 days following admission based on the service recommendations specified by the admission note. Thereafter, services must be provided in accordance with an individual treatment plan (ITP) or rehabilitative services plan (RSP) completed following a mental health or rehabilitative assessment.

"Adult." An individual who is 18 years of age or older or a person who is emancipated pursuant to the Emancipation of Mature Minors Act [750 ILCS 30].

"CCAS." The Children's Global Assessment Scale as published in the Archives of General Psychiatry, Volume 40, November 1983, pp. 1228-1231.

"Certification." Initial determination and redetermination of the eligibility of a provider to participate in the Medicaid community mental health program and to provide mental health services. Certification is issued by the Department or DCFS upon a determination of compliance with this Part. Certification must be issued by the Department or DCFS prior to enrollment with the Department of Public Aid as a Medicaid provider in order to provide Medicaid reimbursable mental health services. Enrollment as a Medicaid provider is issued by the Department of Public Aid on receipt of a letter of certification by the Department or DCFS and on determination of compliance with 89 Ill. Adm. Code 140.11 by the Department or Public Aid.

"Child or adolescent." For the Department and DOC, an individual who is 17 years of age or younger. For DCFS, an individual who is 17 years of age or younger, except for an individual 18 years of age but less than 21 years old, who was receiving child welfare services from DCFS prior to his or her 18th birthday and continues to receive such

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services following his or her 18th birthday.

"Client." An individual who is Medicaid-eligible and is receiving Medicaid community mental health program services financially supported in whole or in part by the Department (Section 1-123 of the Code), DCFS or DOC.

"Client-centered consultation." Individual client-focused professional communication between provider staff, or staff of other agencies, or with others (including family members) who are involved with providing services to a client with a mental illness for the purpose of implementing or evaluating the treatment plan.

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Comprehensive mental health services." An array of services as described in Section 132.150 and 132.165 Subparts B and F of this Part which has been approved by the Department, DCFS or DOC. One or more of these services is provided on a daily basis to a client child who has a diagnosis of mental illness, as the term is defined in this Section, in order to restore or maintain the client's child's emotional or behavioral functioning to at a level determined to be necessary for his or her the child's successful functioning in a family, school and/or community. Comprehensive mental health services may only be provided to a client child who lives in a specialized substitute care living arrangement. For the Department, the services are restricted to a client child who resides in a specialized substitute care living arrangement, as defined in this Section, which is under contract with the Department pursuant to the Department's rules at 59 Ill. Adm. Code 135 (Individual Care Grants for Mentally Ill Children).

"Comprehensive rehabilitative services." An array of services as described in Sections 132.155 and 132.170 Subparts B and F of this Part which has been approved by DCFS or DOC. One or more of these services is provided on a daily basis to a client child for whom DCFS is legally responsible or a DOE youth as defined in this Section and who has either a substantial impairment in rote functioning, as indicated by an IGB-9 EM diagnosis or a diagnosis of mental illness, as both terms are defined in this Section in order to restore or maintain the client's child's emotional or behavioral functioning to at a level determined to be necessary for his or her the child's successful functioning in a family, school and/or community. Comprehensive rehabilitative services may only be provided to a client child who resides lives in a specialized substitute care living arrangement.

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"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Crisis intervention." Activities or services to persons who are experiencing a psychiatric crisis which are designed to interrupt a crisis experience including assessment, brief supportive therapy or counseling and referral and linkage to appropriate community services to avoid more restrictive levels of treatment and which has the goal of symptom reduction, stabilization and restoration to a previous level of functioning.

"Day." A calendar day unless otherwise indicated.

"Day rehabilitation treatment program." Three levels of rehabilitative mental health services provided to persons with mental illness within a format of structured daily activities which are designed to promote improvement in psychological, interpersonal, and age-appropriate or independent role functioning and which shall include intensive stabilization, extended treatment and rehabilitation and psychosocial rehabilitation.

"DCFS." The Illinois Department of Children and Family Services.

"Department." The Illinois Department of Human Services.

"Developmental rehabilitative services." Specialized interventions in accordance with Sections 132.150 and 132.155 using drama, art, music or recreation which are intended to result in the restoration to a maximum level of functioning for clients served by the Department or served by DCFS or for DOC youths pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405] for whom a recommendation for such services has been made by a physician or licensed practitioner of the healing arts.

"DOC." The Illinois Department of Corrections.

"DOC youth." A youth placed in the legal custody of the Department of Corrections by a court on the basis of delinquency or conviction and who is granted an authorized absence or placed in a post-release setting, including but not limited to parole, mandatory supervised release, or electronic detention.

"DSM-IV." The Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (American Psychiatric Association, 1994 edition).

"Enrollment." The official enrollment of a certified provider in the medical assistance program by the Department of Public Aid on

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determination of compliance with 89 Ill. Adm. Code 140.11.

"Extended treatment and rehabilitation." Rehabilitative mental health services provided to persons with mental illness within a format of structured daily programming designed to promote growth in or maintenance of age appropriate and independent role functioning.

"Family." A basic unit or constellation of one or more adults and/or children, foster or adoptive parents and children, and private individual guardian(s).

"Family counseling." A treatment approach in which one or more mental health staff meets with the client with a mental illness and his or her available family members or with his or her family members on the client's behalf in ongoing periodic formal sessions to deal with daily living issues associated with the client's emotional, cognitive or behavioral problems which are significantly impacted on by current family interactions. This counseling approach uses a variety of supportive and re-educative techniques.

"Family therapy." A treatment approach in which one or more professionals deliberately establish a relationship with a client with a mental illness and his or her immediate family or with his or her family on the client's behalf in ongoing periodic formal sessions when the client's problems are perceived to be substantially due to impaired relations within the family. The goal is to modify family relationships which will result in amelioration or reduction of the client's symptoms of emotional, cognitive or behavioral disorder.

"GAF." The Global Assessment of Functioning Scale contained in the DSM-IV.

"Group counseling." A treatment approach in which one or more mental health staff meets with two or more clients with a mental illness in ongoing periodic formal sessions to deal with daily living issues associated with their emotional, cognitive or behavioral problems using a variety of supportive and re-educative techniques.

"Group therapy." An approach to treatment in which one or more professionals deliberately establish a relationship with two or more clients with a mental illness seen simultaneously in periodic formal sessions with the goal of ameliorating or reducing the symptoms of emotional, cognitive or behavioral disorder and promoting positive emotional, cognitive, and behavioral development.

"Guardian." The court-appointed guardian or conservator of the person under the Probate Act of 1975 [744 ILCS 5] or a temporary custodian or guardian of the person of a child appointed by an Illinois juvenile



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court or a legally-appointed guardian or custodian or other party granted legal care, custody and control over a minor child by a juvenile court of competent jurisdiction located in another state whose jurisdiction has been extended into Illinois via the child's legally authorized placement in accordance with the applicable interstate compact. (The Juvenile Court Act of 1987 [705 ILCS 405]; Interstate Compact on the Placement of Children [45 ILCS 15])

"Individual counseling." A treatment approach in which one mental health staff person meets with one client with a mental illness in ongoing periodic formal sessions, and uses relationship skills to promote the client's ability to deal with daily living issues associated with his or her emotional, cognitive or behavioral problems.

"Individual/family social rehabilitation." Structured activities provided individually or in a group setting to an individual with a mental illness or to his or her family in goal directed sessions directed toward improvement of social, emotional, cognitive, interpersonal or community adaptive functioning which are based on a clearly defined format which specifies the expected outcome. The approach is distinct from psychosocial rehabilitation day programming as defined in this Section.

"Individual therapy." A treatment approach in which a professional deliberately establishes a relationship with an individual client with a mental illness in ongoing periodic formal sessions with the goal of ameliorating or reducing the symptoms of emotional, cognitive or behavioral disorder and promoting positive emotional, cognitive and behavioral development.

"Individual treatment plan" or "treatment plan" (IMP). A written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long-term goals for the services and the planned interventions for achieving these goals.

"Intensive family-based services for children and adolescents." A comprehensive psychosocial rehabilitation and training service provided in the home, school or other community-based location to children and adolescents with a mental illness and substantial impairment in role functioning to reduce the risk of more restrictive treatment such as psychiatric hospitalization.

"Intensive stabilization day program." Rehabilitative mental health services provided to persons with mental illness within a format of

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structured daily programming designed to promote crisis resolution and/or stabilization.

"Level of role functioning." For adults, refers to the client's level of functioning in everyday life in three critical areas including vocational/educational productivity, independent living and self-care, and social network relationships. For adults, rating scales such as the GAF or form DMHDD-1215, Specific Level of Functioning Assessment (SLOF), shall be used to assess the severity of the impairment in role functioning for the purpose of initiating services but shall not be used as the criteria for termination or discontinuation of services. For children and adolescents, these areas include family/home, school and community. Scales approved for use with children and adolescents include, but are not limited to the GAF Scale or the CGAS Scale.

"Licensed practitioner of the health arts (LPHA)." An Illinois licensed health care practitioner who, within the scope of State law, has the ability to independently make a clinical assessment, certify a diagnosis and prescribe treatment for persons with a mental illness and who is one of the following: a A clinical psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], a licensed clinical social worker (LCSW) licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20], or a clinical professional counselor holding a permanent license pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107], or a licensed marriage and family therapist licensed under the Marriage and Family Therapist Licensing Act [225 ILCS 55] and its administrative rule at 68 Ill. Adm. Code 1283.

"Medicaid." Medical assistance issued by the Illinois Department of Public Aid under the provisions of Title XIX of the Social Security Act (42 USCA 85-S-E-A- 1396 (1996)), for eligible recipients including Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance for Needy Families (TANF), Medical Assistance NO Grant (MANG), Refugee Repatriate Program (RRP) recipients as well as Title XIX eligible DCFS wards.

"Medicaid case management." Refers to the Title XIX of the Social Security Act case management services that the Department of Public Aid includes in the Medicaid State plan as covered services for Medicaid-eligible clients **and** as defined in Subpart F of this Part.

"Medicaid clinic option (MCO)." Refers to clinical services, as authorized in 42 CFR 440.90 (1994), and defined in Subpart D of this Part, that, at the option of the State, may be included in the Medicaid State plan as covered services for Medicaid clients.

"Medicaid community mental health services program." Assessment,

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treatment and/or rehabilitative services as defined in this Part which are provided by or under a subcontract with a certified provider under a contractual agreement with either the Department, DCFS or DOC. These services are supported financially in whole or in part by the Department, DCFS or DOC and are also included under the Illinois medical assistance program (89 Ill. Adm. Code 140) for eligible clients. Providers must be certified by the Department or DCFS and also be enrolled with and be approved by the Department of Public Aid as a Medicaid provider.

"Medicaid rehabilitative services option." Refers to rehabilitative services, as authorized in 42 CFR 440.130 (1996) and defined in Subpart E of this Part, that at the option of the Department of Public Aid may be included in the Medicaid State plan as covered services for Medicaid-eligible clients.

"Mental health assessment." The formal process of gathering into a written report(s) demographic data, presenting problems, history or cause of illness, history of treatment, psychosocial history and current functioning in emotional, cognitive, social and behavioral domains through a face-to-face or personal contact with the client and collaterals, which results in identifying the client's mental health service needs and in recommendations for service delivery, and may include a tentative diagnosis.

"Mental health case management." Case management services to provide linkage, support and advocacy for persons with mental illness who need multiple services and require assistance in gaining access to and in using mental health, health, social, vocational, education and other community services and resources.

"Mental health professional (MHP)." An individual who A-mental-health professional-(MHP) provides services under the supervision of a qualified mental health professional and who---The mental-health professional-must possess a bachelor's degree; 7 a practical nurse license pursuant to the Nursing and Advanced Practice Nursing Act Illinois-Nursing-Act--of-1987 [225 ILCS 65]; a certificate of psychiatric rehabilitation from a DHS Office of Mental Health-approved program plus a high school diploma plus two years experience in providing mental health services; or have a minimum of five years supervised experience in mental health or human services.

"Mental illness." A mental or emotional disorder verified by a diagnosis contained in the DSM-IV or ICD-9-CM which substantially impairs the person's cognitive, emotional and/or behavioral functioning, 7 excluding V codes, organic disorders such as dementia and those associated with known or unknown physical conditions such as hallucinosis, amnesic disorder and delirium; psychoactive substance

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induced organic mental disorders; and mental retardation or psychoactive substance use disorders. For purposes of this Part, this does not exclude individuals with a dual diagnosis of mental retardation or psychoactive substance use disorders as long as a mental illness is the principal diagnosis.

"Occupational therapy." The evaluation, after referral by a physician as part of the total rehabilitation and health care team, of functional performance ability of clients impaired by physical illness or injury, emotional disorder, congenital or developmental disability or the aging process, and the analysis, selection and application of occupations or goal-directed activities, for the treatment or prevention of these disabilities to achieve optimum functioning. Occupational therapy shall be provided in accordance with the Illinois Occupational Therapy Practice Act [225 ILCS 75].

"Physician." A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60].

"Physician services." The Medicaid community mental health program services which must be provided directly by a physician are psychiatric evaluation and psychotropic medication prescription and review.

"Post-payment review." The review of provider billings to determine compliance with documentation requirements pursuant to this Part.

"Principal diagnosis." When a person receives more than one diagnosis, the principal diagnosis is the condition that is chiefly responsible for precipitating inclusion in the appropriate Medicaid community mental health program services. A principal diagnosis of mental illness is the condition that will be the main focus of attention or treatment.

"Provider." An agency certified by the Department or DCFS to provide Medicaid community mental health services in accordance with this Part.

"Psychiatric evaluation." An in-depth evaluation of the client conducted by a psychiatrist, or a physician with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness. The psychiatric evaluation covers all aspects of assessment generally accepted as reasonable clinical practice in the field of psychiatry including a statement of assets and deficits and results in a formulation of problems, diagnosis, and treatment recommendations.

"Psychological assessment." An assessment of the client's functioning



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in emotional, cognitive, intellectual and/or behavioral domains by a licensed clinical psychologist consistent with the Clinical Psychologist Licensing Act using nationally standardized psychological assessment instruments. The assessment results in a formulation of problems, tentative diagnosis and recommendation for treatment or service(s).

"Psychosocial rehabilitation day program." A formal program of daily services directed towards assisting clients with a mental illness to function at their highest level in the community. Clients participate, based on individual needs as determined in their treatment plan, in a variety of integrated individual and group services during the regularly scheduled formal program including counseling and adaptive functioning, stabilization and developmental interventions.

"Psychotropic medication monitoring and training." On-going observation of the client's response to his or her medication and information provided to a client with mental illness regarding the appropriate use of the psychotropic medication prescribed for his or her mental illness.

"Qualified mental health professional (QMHP)." One of the following:

A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness, or specialized training (the treatment of children and adolescents);

A psychiatrist (a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60]) who has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program identified as equivalent by the Department;

A psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] with specialized training in mental health services;

A social worker possessing a master's or doctoral degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services;

A registered nurse licensed pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] ~~with at least one year of clinical experience in a mental health setting or a master's degree in psychiatric nursing;~~

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An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting;

An individual with a master's degree and at least one year of clinical experience in mental health services and who holds a license to practice marriage and family therapy pursuant to the Marriage and Family Therapy Licensing Act [225 ILCS 55]; or

An individual possessing a master's or doctoral degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling, or family therapy or related field, who has successfully completed a practicum and/or internship which includes a minimum of 1,000 hours, or who has one year of clinical experience under the supervision of a qualified mental health professional, or who is a licensed social worker holding a master's degree with two years of experience in mental health services or who is a permanently licensed professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] holding a master's degree with one year of experience in mental health services.

"Rehabilitative assessment." Assessment activities in accordance with Section 132.155 including the use of recognized professional practices and, as necessary, the administration of valid and reliable instruments in order to determine a client's need for rehabilitative services.

"Rehabilitative crisis intervention and stabilization." Intensive, face-to-face interventions with an eligible client and/or family in accordance with Section 132.155 who is experiencing an acute crisis which are intended to result in the short-term restoration of the client's or family's stability and functioning to the extent that the client is not at risk of self-harm or of removal from his or her family or of psychiatric hospitalization or abuse or neglect and/or the client is not at risk of self-harm or of causing harm to others or property.

"Rehabilitative counseling." Counseling in accordance with Section 132.155 which is intended to result in the behavioral or functional changes necessary to restore a DOC youth or an eligible client served by DCPS pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405] who has been determined, as the result of a mental health or comprehensive assessment, to be in need of rehabilitative counseling, to the level necessary for the client's effective day-to-day functioning.

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"Rehabilitative services associate (RSA)." A rehabilitative services associate assists in the provision of services in accordance with Sections 132.150, 132.155, 132.165 and 132.170. A rehabilitative services associate must be at least 21 years old, have demonstrated skills in the field of services to adults or children, have demonstrated the ability to work within agency structure and accept supervision, and have demonstrated the ability to work constructively with clients, other providers and the community.

"Rehabilitative services coordination." Activities in accordance with Section 132.170 intended to directly assist DOC youths or eligible clients served by DCS pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405] to access rehabilitative services recommended by a physician or LPHA pursuant to the rehabilitative services portion of the treatment plan.

"Rehabilitative services consultation and review." Scheduled meetings with a supervisor, the recommending physician or LPHA or with a team of professionals from multiple disciplines in accordance with Section 132.155 which are for the distinct purpose of reviewing the status of prescribed rehabilitative services and/or determining whether there is a need to change the type or content of prescribed service for DOC youths or clients served by DCS pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405].

"Rehabilitative services plan [RSP]." A written plan developed in accordance with Section 132.155 which includes identification of the problems to be addressed, the rehabilitative services to be provided and the outcomes to be achieved for DOC youths or eligible clients served by DCS pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405].

"Rehabilitative stabilization services." Specific activities in accordance with Sections 132.150 and 132.155 undertaken with DOC youths or eligible clients served by the Department or served by DCS pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405] pursuant to a recommendation for rehabilitative stabilization services. The activities, which may be provided individually or in a group setting, are intended to result in the client developing or maintaining his or her best possible functional level in the areas of family, school or community.

"Rehabilitative transition, linkage and aftercare." Activities in accordance with Section 132.170 completed with or on behalf of a DOC

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youth or a child for whom DCS is legally responsible, who is being moved from one living arrangement to another living arrangement or from one provider agency to another provider agency or service provider that are intended to result in an effective transition consistent with the child's need for rehabilitative services and his or her welfare and development, including transition to adult systems of care if indicated and appropriate.

"Secretary." The Secretary of the Department of Human Services or his or her designee.

"Service needs evaluation." The formal process of determining the service needs of the client through an assessment of the client, utilization of information gained from available collaterals (family and associates), data from the mental health assessment and specialized intensive assessments required by the nature of the client's condition, such as a psychiatric evaluation, psychological assessment or other specialized assessment approach.

"Short-term diagnostic and rehabilitative services." Services as described in Subparts E and F of this Part which may include rehabilitative assessment, service plan development, crisis intervention and stabilization, counseling, rehabilitative case management and transition, linkage and aftercare provided for a maximum of 90 days for a DOC youth or a child for whom DCS is legally responsible and who has a substantial impairment in role functioning as indicated by an ICD-9-CM diagnosis, or has a diagnosis of a mental illness as both are defined in this Section and who resides in a specialized substitute care living arrangement.

"Site." A discrete location other than a licensed foster family home that is owned or leased by a provider for the purpose of providing Medicaid community mental health services at which staff are housed and records maintained.

"Specialized substitute care living arrangement." A residential or group care living arrangement which, if providing services to a child, is supervised by an agency which, if located in the State of Illinois, is licensed pursuant to the Child Care Act of 1969 [225 ILCS 10] and is certified pursuant to this Part and which is under contract to DCS, the Department or DOC to provide specialized substitute care.

"Substantial impairment of role functioning." Refers to significant limitations in activities of daily living, such as self-care, communications, learning, work skills, social interaction, the ability to self-direct one's behavior at an age-appropriate or independent level and, in the case of a child or adolescent, may include the extrusion or risk of extrusion from family due to emotional and



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behavioral factors.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

**Section 132.42 Post-Payment Review**

The Department or DCFS may conduct on-site post-payment reviews to determine compliance with documentation requirements of this Part and to determine amounts subject to recoupment to the Department or DCFS when documentation is not in compliance with this Part.

a) The Department or DCFS shall compare billed services to those listed on the individual treatment plan (ITP) or rehabilitative services plan (RSP) in effect at the time service was provided. The Department or DCFS will determine that the following are unsubstantiated:

1) billings for services without an ITP or RSP being in effect (except for mental health or rehabilitative assessment; ITP or RSP development, review and modification; crisis intervention or rehabilitative crisis intervention and stabilization; mental health/rehabilitative social history; rehabilitative transition, linkage, and aftercare; and mental health case management when immediate assistance is needed to obtain food, shelter and clothing; and/or

2) billings for services that the agency is not certified to provide;

3) billings for services not listed on the ITP or RSP (except for mental health or rehabilitative assessment; ITP or RSP development, review and modification; crisis intervention or rehabilitative crisis intervention and stabilization; mental health/rehabilitative social history; rehabilitative transition, linkage, and aftercare; and mental health case management when immediate assistance is needed to obtain food, shelter and clothing; and/or

4) billings which do not comply with the documentation required in this Part.

b) The post-payment review must verify compliance with the documentation requirements identified in subsection (a) of this Section.

c) If the Department or DCFS finds evidence of suspected Medicaid fraud, the Department or DCFS shall refer such evidence to the Department of Public Aid, Office of Inspector General for further action.

d) The provider may appeal the Department's or DCFS' intent to recover funds as specified in Section 132.55.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

**Section 132.55 Certification Appeal** **appeal** **Criteria** **criteria** **and** **Process** **process**

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a) Grounds for appeal by the provider are:

- 1) Determination of non-compliance with this Part; or
- 2) Refusal to issue certification; or
- 3) Refusal to issue recertification; or
- 4) Suspension or termination of any or all Medicaid community mental health services; or
- 5) Notice of intent to recover funds following a post-payment review.

b) Certification appeal criteria and process

1) If either the Department or DCFS determines that certification or the recertification should not be issued or that certification should be suspended or terminated during a certification period because of non-compliance with the provisions of this Part, either the Department or DCFS shall send, by registered mail, written notice to the applicant or the certified provider within 30 working days after the determination. The notice shall contain the specific requirements the provider has not complied with, either the Department's or DCFS' proposed action, and provider rights as follows:

A) If the applicant or certified provider chooses to appeal either the Department's or DCFS' decision, the applicant or provider shall submit a written request for a hearing to the Department or DCFS within 20 working days after the date of receipt of the notice. Receipt is presumed ten days after mailing.

B) If an appeal is initiated by a certified provider, services shall be continued pending a final administrative decision.

- 2) If the applicant or certified provider does not submit a request for a hearing, as provided in this Part, or if after conducting the hearing either the Department or DCFS determines that the certification or recertification should not be issued or that the certification should be suspended or terminated, either the Department or DCFS shall issue an order to that effect. If the order is to suspend or terminate the certification, it shall specify that the order takes effect upon receipt by the certified provider, and that the provider shall not provide Medicaid community mental health program services during the pendency of any proceeding for judicial review of the Department's or DCFS' decision, except by court order.

c) Intent to recover funds appeal criteria and process

1) If either the Department or DCFS determines that the provider is not in compliance with the billing documentation requirements of this Part pursuant to a post-payment review conducted in accordance with Section 132.42 of this Part, it shall submit written notification of the Department's or DCFS' intent to recover funds in a Final Notice of Unsubstantiated Billings or Notice of Suspension of Billing. The notice shall set forth:

- A) the reason for the Department's or DCFS' action;

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- B) a statement of the right to request a hearing within 20 working days after the provider's receipt of the Final Notice of Unsubstantiated Billings or Notice of Suspension of Billing;
- C) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- D) the date after which the Department or DCFS will start to recover money by deducting from Department or DCFS obligations to the provider, and a statement that the Department or DCFS will recover the money in this manner prior to the completion of any hearing requested and that any money so recovered will be repaid to the provider if it is determined at the hearing that the recovery was not warranted; and
- E) that the provider must submit a diskette to the Department making necessary corrections to the billing information previously submitted and that the Department or DCFS will adjust payments to the provider upon receipt of those adjustments.
- 2) If the provider chooses to appeal the Department's or DCFS' intent to recover money, the provider shall submit a written request for a hearing to the Department or DCFS within 20 working days after the date of receipt of the Final Notice of Unsubstantiated Billings or Notice of Suspension of Billing. Receipt is presumed ten days after mailing.
- 3) The sole issue at the hearing requested by a provider appealing a Final Notice of Unsubstantiated Billings or Notice of Suspension of Billing following a post-payment review shall be whether the provider is in compliance with billing documentation requirements set forth in this Part and identified in the Final Notice of Unsubstantiated Billings or Notice of Suspension of Billing.
- d) Hearing process
- 1) The hearing shall be conducted by an impartial administrative law judge appointed by the Department of Public Aid (DPA).
  - 2) DPA's hearing rules for medical vendor hearings at 89 Ill. Adm. Code 104.200 shall apply, except that the following Sections do not apply to these hearings: 104.204, 104.206, 104.208, 104.210, 104.216, 104.217, 104.221, 104.260, 104.272, 104.273, and 104.274.
  - 3) The appeal shall be filed with, and received by, the Department's Bureau of Administrative Hearings, 100 South Grand Avenue East, 3rd Floor, Hearing--and--Appeals--Unit, 401 South Clinton Avenue, 6th Floor, Springfield IL 62762 62765, within 20 working days after the date of receipt of the notice ~~the decision~~.
  - 4) The Department or DCFS shall send a copy of the appeal to the DPA Vendor Hearings Section, 401 South Clinton Avenue, 6th Floor, 624 South-Michigan-Avenue, Chicago IL 60607 60605-1906 within five days after receiving the appeal.

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- 5) The appellant shall direct all non-written communications relevant to the hearing to the Bureau Chief Supervisor of the Department's Bureau of Administrative Hearings Hearing--and--Appeals--Unit or to DCFS, who shall send them to the DPA Vendor Hearings Section.
- 6) A recommended decision shall be submitted to the DPA Director and copies mailed to the parties, in accordance with DPA's rule at 89 Ill. Adm. Code 104.290. A copy shall also be mailed to the Bureau Chief Supervisor of the Department's Bureau of Administrative Hearings Hearing--and--Appeals--Unit or to DCFS.
- e) Final administrative decision
- The Director of the Department of Public Aid shall issue a final administrative decision in accordance with DPA's rule at 89 Ill. Adm. Code 104.295.

f) Judicial review

The final ~~Final~~ administrative decision shall be subject to judicial review exclusively as provided in the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section 132.80 Fiscal and Statistical Requirements ~~statistical~~

- a) Providers shall provide present written assurances that they will submit billings in the manner specified by the Department, DCFS or DOC, as applicable, and that they have a formal accrual accounting system in accordance with Generally Accepted Accounting Principles (GAAP) (Harcourt, Brace, Jovanovich, Publisher (1989)).
- b) The provider shall submit to the Department, DCFS or DOC, as applicable, annually an independent audit report 120 days after the end of the provider's fiscal year. These required audit reports shall be prepared in accordance with the current American Institute of Certified Public Accountants generally accepted auditing standards appropriate for the provider and in accordance with relevant federal single audit requirements (e.g., U.S. Office of Management and Budget Circular A-128 (April 12, 1985) or Circular A-133 (Single Audit Information Service, Thompson Publishing Group, 1725 K. Street N.W., Suite 200, Washington, DC 20006)). The report shall contain all applicable statements including the basic financial statement presenting the financial position of the organization, the results of its operation, and changes in fund balances or retained earnings. The report shall contain the certified public accountant's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the certified public accountant expresses a qualified opinion, a disclaimer of



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opinion, or an adverse opinion, the reason shall be stated. (A report will not be accepted if the certified public accountant's opinion is qualified or denied because the provider placed an unnecessary limitation on the scope of the audit.)

c) The provider shall also submit within 180 days after the end of the State fiscal year the State of Illinois Interagency Statistical and Financial Report (ISFR) to the Department, DCFS or DOC, as applicable, unless the Department, DCFS or DOC extends the time-frame for a provider having a different fiscal year than the State of Illinois.

d) The provider shall also comply with the requirements governing audits, false reporting and other fraudulent activities pursuant to 89 Ill. Adm. Code 140.30 and 140.35 for services provided to Medicaid-eligible clients. The provider will be held responsible for any claims disallowed resulting from non-compliance with this Part.

e) Each provider shall contract with the Department, DOC and/or DCFS for the provision of Medicaid community mental health services.

f) Billings for services rendered under the Medicaid community mental health program must be submitted by a provider to the Department, DCFS or DOC, as applicable, in the manner required by each department. The billings shall include the following:

- 1) A claim for reimbursement for each covered item of service provided to a client.
- 2) A claim for reimbursement shall be submitted during the State fiscal year that the service was delivered but in no case shall a claim be submitted later than one year from the date on which the service was provided.
- 3) The provider shall keep and make available such hard copy records and source documents associated with each submitted reimbursement claim as necessary to disclose fully the nature and extent of service billings included therein.
- 4) Each reimbursement claim submitted to the Department, DCFS or DOC, as applicable, shall be accompanied by a transmittal document providing a description of the claim for reimbursement (submitting provider, number of claim transactions, etc.) and a signed certification for each such batch.

g) The provider shall report to the Department, DCFS or DOC, as applicable, information regarding the client's private insurance coverage or third party liability coverage on the claim transaction. In addition, adjustments to prior approved claims must be submitted on the claim transaction. The provider shall bill all other third parties prior to billing the Department, DCFS or DOC, as applicable, for services and shall maintain a record of all such billings and payments received.

h) Services--such--as--individual--group--and--family--therapy--psychotropic medication--monitoring--and--self-administration--training--crisis intervention--and--case-management--shall--be--reimbursed--at--an--hourly--rate per--client--payable--to--the--nearest--quarter--hour.

h)++ Day treatment services such as intensive stabilization and extended

treatment and rehabilitation shall be reimbursed at an hourly rate per client payable to the nearest hour. Billable services are limited to eight hours per day up to seven days per week. Comprehensive mental health and comprehensive rehabilitation services shall be reimbursed at a daily rate per client. All other mental health services shall be reimbursed at an hourly rate per client payable to the nearest quarter hour.

i)++ Psychiatric services provided by physicians are reimbursed directly by the Department of Public Aid.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: UTILIZATION REVIEW AND CONTINUITY OF SERVICES

## Section 132.100 Clinical Records records

The client's clinical record shall contain, but is not limited to the following:

- a) Identifying information including name, Medicaid client identification number, address and telephone number, sex, date of birth, primary method of communication, if other than English, emergency contact or guardian, date of initial contact and initiation of mental health services, third party insurance coverage, and, as appropriate, may include marital status and source of referral;
- b) Documentation of consent for mental health services;
- c) Assessment and reassessment reports;
- d) A current ITP or rehabilitative services plan, progress notes and reviews;
- e) Documentation concerning the prescription and administration of psychotropic medication;
- f) Documentation of missed appointments;
- g) Documentation of client movement (referral/transfer) during any active service period to or from the provider's programs or to or from other providers;
- h) Documentation to support services rendered for which reimbursement is claimed which includes:
  - 1) the specific service(s) rendered;
  - 2) the date the service(s) were rendered;
  - 3) who rendered the service(s);
  - 4) the setting in which the service(s) were rendered; and
  - 5) client progress in relation to the service(s) in the ITP or rehabilitative services plan; +
- i) Comprehensive rehabilitative services and comprehensive mental health services that shall be provided according to the client's ITP or RSP. These services shall be documented on a daily basis by completion of shift treatment summaries and/or other service documentation. Mental health services not documented on the shift treatment summaries shall

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be documented according to subsection (h) of this Section. Shift treatment summaries may only be used to document rehabilitative stabilization services and developmental rehabilitation, and must include the following:

- 1) the specific service(s) received over the period being documented;
- 2) the date the service(s) were rendered;
- 3) who rendered the service(s);
- 4) the signature of the author with credentials;
- 5) the setting in which the service(s) were rendered;
- 6) client progress in relation to the goals, objectives and/or expected outcomes on the client's ITP or RSP; and
- 7) the client's general level of role functioning over the period being documented; ~~documented on a daily basis by completion of a daily treatment summary which identifies the services received each day and describes a child's general level of functioning.~~
- j) Periodic reviews describing the client's overall progress;
- k) A record of the client's major accidents or incidents that occur at the site with regard to a specific client, whether self-reported or observed, and resulting in an adverse change in the client's physical and/or mental functioning; and
- l) Discharge summary documenting the outcome of treatment and, as necessary, the linkages for continued services.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: REHABILITATIVE SERVICES

**Section 132.150 Rehabilitative Mental Health Services**

- a) Services under this Section shall be provided to clients with a diagnosis of mental illness as defined in Section 132.25 and whose level of role functioning is impaired.
- b) A physician or a LPHA shall provide clinical direction of the provision of rehabilitative mental health services which shall include review and approval of ITP development and modification. Such ITP shall be reviewed and modified, as necessary, but no less than once every six months.
- c) Service needs evaluation
  - 1) The provider shall ensure that an individual requesting Medicaid community mental health services, any client who has been referred by order of a court or any individual referred pursuant to a recommendation resulting from an early and periodic screening, diagnostic and treatment (EPSDT) examination, shall receive an evaluation of his or her need for mental health services. The service needs evaluation process may include a mental health assessment, a psychological assessment and/or a

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psychiatric evaluation. The service needs evaluation process shall result in a determination of the need for mental health services and the type of mental health services required and shall ensure the appropriateness of admission for inpatient psychiatric hospitalization.

- 2) The service needs evaluation shall include a face-to-face or personal contact interview with the client and collaterals, as indicated.
- 3) A client shall receive a mental health assessment prior to the development and implementation of an ITP. If the client is determined to be in need of immediate crisis intervention services, a mental health assessment shall not be required prior to the initiation of crisis services.
- 4) Prior to the initiation of mental health services, the provider shall obtain written or oral consent from the client and/or the client's guardian, as applicable, unless the client is determined to be in need of crisis intervention services, or if the assessment is court-ordered for the client. Individuals who participate in treatment services are deemed to have consented; oral consent shall also be documented in the record.
- 5) The mental health assessment shall include, at a minimum, the compilation, assessment and written report of the following:
  - A) Identifying information (see Section 132.100(a));
  - B) Extent, nature, and severity of presenting problem(s);
  - C) Personal and family history including the history of mental illness in the family;
  - D) Cognitive functioning (attention, memory, information, attitudes), perceptual disturbances, thought content, speech, and affect, and an estimation of the ability and willingness to participate in treatment;
  - E) History of mental health treatment;
  - F) Present level of functioning including social adjustment and daily living skills;
  - G) Legal status (guardianship, representative payee, trust beneficiary, pending court order);
  - H) Level of education and/or specialized training, if applicable for adults;
  - I) Previous employment, the acquired vocational skills and activities/interests, if applicable;
  - J) History of and/or current alcohol or chemical dependency;
  - K) Previous and current psychotropic medications, last physical examination and any known medical problems; and
  - L) Resource availability (i.e., income entitlements, health care benefits, subsidized housing, social services).
- 6) Responsibility for the completed mental health assessment shall be assumed by a QMHP who has had, at a minimum, one face-to-face contact with the client, his or her family, and the client's guardian, if applicable, at the client's request or by agreement



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of the client, during which the family was given the opportunity to provide pertinent information or support. An MHP(s) under the direct supervision of a QMHP may participate in the mental health assessment.

7) The mental health assessment may be initiated without the prior recommendation of the physician or LPHA.

8) The results of the mental health assessment shall be reviewed by the physician or LPHA and documented by signature on the ITP. The physician or LPHA shall determine if a psychiatric evaluation and/or a psychological assessment is necessary in order to develop the client's ITP. A psychiatric evaluation, if recommended, shall be conducted with the client by the physician on a face-to-face basis with the client. A psychological assessment, if recommended, shall be conducted with the client by a licensed clinical psychologist on a face-to-face basis with the client.

9) The service needs evaluation report(s), including the mental health assessment, the psychiatric evaluation, if applicable, and the psychological assessment, if applicable, shall be used in the development of the client's ITP.

## d) Treatment plan development, review and modification

1) The provider shall explain to the client and to the client's guardian, if applicable, the process for the development and the contents of the ITP.

2) The ITP shall be developed with the participation of the client and the client's guardian, if applicable, shall be signed by the QMHP and the physician and/or LPHA who is directing the formulation of the ITP and shall be incorporated in the client's clinical record.

3) The plan shall be signed by the client if the client is 12 years of age or older or by the parent or legal guardian of a minor or by the legally appointed guardian of an adult who has been adjudicated as legally disabled. A copy of the signed plan shall be given to the client, if not clinically contraindicated, and the client's parent or guardian, if applicable.

4) The ITP shall be developed within 45 days after the documented date of completing the mental health assessment. The ITP shall include a definitive diagnosis that has been determined using the DSM-IV or ICD-9-CM. If the diagnosis cannot be determined within 45 days or a rule-out diagnosis is given, the client's clinical record must contain documentation as to what evaluation(s) will be performed in order to provide a definitive diagnosis in the ITP.

5) The ITP shall state the overall goals of treatment, indicate the specific mental health services to be provided and describe the mental health services needs of the client in relationship to mental health services to be provided including goals, objectives, expected outcome, frequency and responsible staff.

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6) Responsibility for development of the ITP shall be assumed by a QMHP as documented by his or her signature on the ITP.

7) A physician or LPHA shall provide the clinical direction of rehabilitative mental health services identified in the ITP as documented by his or her signature on the ITP. Such clinical direction includes reviewing the plan no less than once every six months and modifying the plan as necessary.

8) Mental health professionals may participate in the development of the ITP.

9) If multiple Medicaid certified providers are involved in providing mental health services to the same client under this Section, one master ITP shall be developed by the team of individuals responsible for providing the respective services.

## e) Psychiatric treatment

1) Psychotropic medication requirements include:

A) Psychotropic medication shall be prescribed by a physician who has conducted a psychiatric evaluation of the client, or in an emergency, is aware of the client's psychotropic medication history and the client's current level of functioning.

B) Psychotropic medication shall be administered by personnel licensed to administer medication pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] ~~Illinois Nursing--Act--of--1987~~ and the Medical Practice Act of 1987 [225 ILCS 60].

C) Psychotropic medication shall be reviewed, at a minimum, every 90 days, ~~at a minimum~~, by the physician.

D) When psychotropic ~~psychotropic~~ medication monitoring and self-administration training are prescribed by the treating physician, the monitoring and training shall be provided to by clients in the following areas, if prescribed by the treating physician:

- i) Psychiatric illness;
- ii) Psychotropic medications, effects, side-effects, and adverse reactions;
- iii) Self-administration of medications;
- iv) Storage and safeguarding of medication; and/or
- v) Communicating with mental health professionals regarding medication issues.

E) Notation shall be made in the client's clinical record regarding psychotropic medication and other types of medication. Notations shall include:

- i) All medication being taken by the client;
- ii) Current psychotropic medication: name, dosage, frequency and method of administration;
- iii) Any problems with psychotropic medication administration and activities ~~Activities~~ implemented to address these any problem(s) resulting--from

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**psychotropic-medication-administration;** and

- iv) A statement indicating that the client has been informed of the purpose of the psychotropic medication ordered and the side effects of the medication.
- F) Psychotropic and other medication shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, security and in accordance with the Department of Public Health's rules at 77 Ill. Adm. Code 300.1640.
- G) psychotropic medication monitoring and training shall be provided by the physician, by a QMHP under the direction of a physician, or by a MHP under the supervision of a QMHP. The physician must designate, in writing, the professionals who provide medication monitoring and training services, as medication monitoring and training staff.
- 2) Therapy or counseling shall include:
  - A) Individual therapy or counseling;
  - B) Group therapy or counseling; and
  - C) Family therapy (includes couples' therapy and marital counseling) or family counseling.
- 3) The services shall be provided:
  - A) Following a mental health assessment and consistent with the client's ITP; and
  - B) On a face-to-face or personal contact basis with adult clients and their families, at the client's request or agreement or with groups of clients, or with a child or adolescent client and his or her family, or on behalf of a child or adult with the child's or adult's family and based on the ITP.
- 4) Service termination criteria shall include:
  - A) Determination that the client's level of role functioning and the personal distress level have improved and can be maintained consistent with the ITP; **or**
  - B) Determination that the client's level of role functioning has significantly deteriorated to a degree where referral or a transfer to a more intensive mental health treatment is indicated; or
  - C) Documentation in the client's clinical record that the client terminated participation in the program.
- 5) Psychiatric treatment services shall be provided in accordance with the following:
  - A) Therapy services shall be provided by a QMHP; and
  - B) Counseling may be provided by a QMHP or MHP.
- f) Crisis intervention
  - 1) Crisis intervention services shall be provided to clients who are experiencing a psychiatric crisis and a high level of personal distress to provide brief and immediate intensive treatment to reduce symptomatology, stabilize and restore the client to a

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- previous level of role functioning and to assist the client in functioning in the community.
- 2) Crisis intervention services shall include:
    - A) Immediate preliminary assessment;
    - B) Therapy or counseling (brief and immediate); and
    - C) Referral, linkage and consultation with other appropriate mental health services.
  - 3) Crisis intervention services shall provide immediate crisis assessment to ensure the appropriateness of admission for psychiatric hospitalization.
  - 4) Services shall be provided on a face-to-face or personal contact basis, following, at a minimum, an assessment of the need for mental health services. If one does not already exist, a preliminary ITP shall be developed and shall become a part of the ITP, if additional mental health services are to be provided.
  - 5) Crisis intervention services may be initiated prior to development of the ITP. Referral and linkage with continuing mental health services shall be provided for clients in crisis, including residential crisis care, respite care and/or inpatient psychiatric treatment, as needed.
  - 6) Service eligibility and termination criteria
    - A) Crisis intervention services shall be available to clients presenting an apparent need for immediate mental health services. Service eligibility criteria shall include:
      - i) Determination of deterioration in one or more areas of role functioning within the past seven days which requires immediate resolution and stabilization to prevent further deterioration in role functioning; or
      - ii) Determination that acute symptomatology requires immediate stabilization to prevent substantial deterioration in role functioning and to relieve personal distress.
    - B) Service termination criteria shall include:
      - i) Determination that the crisis has been resolved and the client shows positive change toward restoration to a previous level of role functioning and/or decrease in personal distress and is not in need of further crisis mental health services; **or**
      - ii) Determination that the client has been stabilized or requires a transfer or referral to less intensive mental health treatment for continuing mental health services; **or**
      - iii) Determination that the client has not been stabilized and the client requires a transfer or referral to more intensive mental health treatment for continuing mental health services; or
      - iv) Documentation in the client's clinical record that the client terminated participation in the program.



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- 7) Crisis intervention services may be delivered by a QMHP or an MHP with access to a QMHP who is available for immediate consultation and clinical supervision.
- 8) The number of crisis intervention staff shall be adequate to provide immediate crisis assessment, brief therapy or counseling and referral and linkage on a face-to-face basis during the regular hours of service operation and, at a minimum, provide crisis assessment and referral to mental health services, as necessary, after the regular hours of operation. Written agreements shall be established for referral of clients to crisis intervention services after regular operating hours, as necessary.
- 9) Day rehabilitation treatment programs
- 1) Day rehabilitation treatment programs may include three levels of rehabilitative mental health services provided within a format of structured daily activities which are designed to promote improvement in psychological, interpersonal and age-appropriate or independent role functioning which shall include intensive stabilization, extended treatment and rehabilitation and psychosocial rehabilitation. Such programs are specified as intensive stabilization services, extended treatment and rehabilitation services or psychosocial rehabilitation day program services. Each service provides an integrated, comprehensive and complementary schedule of psychiatric and/or psychosocial treatment modalities provided in a therapeutic milieu addressing at least three areas of functioning:
    - A) Psychological;
    - B) Interpersonal; and
    - C) Age-appropriate or independent role functioning.
  - 2) Day rehabilitation treatment programs for individuals under the age of 21 years shall not include services that are educational in nature; for example, services identified in the individual education plan (IEP).
  - 3) Intensive stabilization and extended treatment and rehabilitation services shall include a range of therapeutic interventions provided following a mental health assessment and consistent with the client's ITP.
  - 4) Intensive stabilization services shall be available for a minimum of four hours a day, five days a week with a schedule of interventions focused on resolution or stabilization of short-term problems or crisis situations which, if not treated, would require inpatient psychiatric hospitalization including the provision of the following:
    - A) Therapy (individual, group and family); or
    - B) Occupational therapy (optional).
  - 5) Extended treatment and rehabilitation services shall be available for a minimum of four hours a day, five days a week with a schedule of interventions focused on the development,

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- acquisition, enhancement and/or maintenance of interpersonal and adaptive functioning to restore client functioning and to facilitate re-entry into the family and community, including the provision of the following:
- A) Therapy (individual, group and family);
  - B) Occupational therapy (optional); and
  - C) Adaptive functioning, stabilization and developmental interventions.
- 6) Psychosocial rehabilitation day program services shall be available for a minimum of four hours a day, five days a week. Individuals participate in services based on their individualized needs consistent with their ITPs.
- 7) Psychosocial rehabilitation day program services include provision of core service elements which address age-appropriate or independent role functioning and include:
- A) Individual or group counseling;
  - B) Individual or group adaptive functioning, stabilization, and developmental interventions; and
  - C) Community integration and reintegration.
- 8) Service eligibility and termination criteria
- A) Specific service eligibility criteria for intensive stabilization shall include determination that the client:
    - i) Exhibits signs, symptoms and associated features of mental illness and has experienced deterioration in role functioning in one or more primary areas, which requires immediate intervention to prevent further deterioration and the need for 24-hour supervised treatment, e.g., hospitalization; or
    - ii) Requires further continuation of treatment following hospitalization because symptoms persist and role functioning has not improved.
  - B) Specific service eligibility criteria for extended treatment and rehabilitation services and psychosocial rehabilitation day program services shall include a determination that the client lacks independent living skills and/or is unable to maintain community adjustment without structured intervention.
  - C) General termination criteria for intensive stabilization shall include:
    - i) Determination that the client's level of acute distress/crisis has been resolved and previous role functioning restored consistent with ITP objectives; or
    - ii) Documentation in the client's clinical record that the client terminated participation in the program.
  - D) General termination criteria for extended treatment and rehabilitation services and psychosocial rehabilitation day program services shall include:

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- i) Determination that the client's level of role functioning has improved, and the rehabilitation services objectives have been obtained and maintained consistent with the ITP; or
- ii) Determination that the client's level of role functioning has not improved or has deteriorated and the extended rehabilitation services objectives have not been obtained consistent with the ITP; or
- iii) Documentation in the client's clinical record that the client terminated participation in the program.

## 9) Staffing

- A) Intensive stabilization services shall be delivered by a QMHP. Extended treatment and rehabilitation services may be delivered by a QMHP or MHP. Psychosocial rehabilitation day program services may be delivered by an MHP.
- B) Intensive stabilization services shall have a minimum of one full-time equivalent (FTE) QMHP to every six adult clients (1:6) or 1:3 for child and adolescent clients, based on average daily attendance calculated annually.
- C) Extended treatment and rehabilitation services shall have a minimum of one FTE MHP to 10 adult clients (1:10) or 1:6 for child and adolescent clients, based on average daily attendance calculated annually.
- D) Psychosocial rehabilitation day program services shall have a minimum of one FTE MHP to 15 clients (1:15) based on average daily attendance calculated annually.

## h) Individual/family social rehabilitation

- 1) Services shall be delivered following a mental health assessment, and shall be goal directed, clearly defined and focused on improving adaptive functioning deficits identified in the ITP.
- 2) Services shall be provided individually or in a group setting on a face-to-face basis with the client or with the client and/or the client's family.
- 3) Service eligibility shall include a determination that the client or the client and the client's family has adaptive functioning deficits for which social rehabilitation is the appropriate intervention.
- 4) Service termination criteria shall include a determination that the service objectives have not and/or are unlikely to be met through continuation of this service or documentation in the client's clinical record that the client terminated participation in the program.
- 5) Client/family social rehabilitation services shall be provided by MHP(s).
- i) Rehabilitative stabilization services
  - 1) Rehabilitative stabilization services shall be provided in accordance with specifications in the ITP in order to develop or maintain an adult's or child's functioning.

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- 2) Rehabilitative stabilization activities may include:
  - A) Parental functioning development;
  - B) Individual functioning development;
  - C) Self-management functioning development;
  - D) Parent-child interaction functioning development or sibling interaction functioning development;
  - E) Self-management development; and
  - F) Family management development.
- 3) Responsibility for the provision of rehabilitative stabilization services shall be assumed by a person with no less than two years of human services experience or by an RSA.
- j) Developmental rehabilitative services
  - 1) Developmental rehabilitative services shall be provided in accordance with an ITP to restore a child or adolescent to a maximum level of functioning.
  - 2) Developmental rehabilitative services may include time spent in activities using art, music, drama, play or recreation either individually or as a group activity.
  - 3) Responsibility for the provision of developmental rehabilitative services shall be assumed by an RSA.
  - 4) This service is restricted to a child who resides in a specialized substitute care living arrangement and is receiving comprehensive mental health services under subsection (k) of this Section.
- k) Comprehensive mental health services
  - 1) Comprehensive mental health services shall be provided to a client ~~eligible children in accordance with the child's ITP~~ for the purpose of behavioral functioning changes which are necessary for the ~~child's~~ child's day-to-day role functioning.
  - 2) Comprehensive mental health services may be provided to a client ~~child~~ receiving care or services in a specialized substitute care living arrangement supervised by a certified provider which is under contract to the Department, DCFS or DOC to provide specialized substitute care.
  - 3) Comprehensive mental health services shall be provided following the completion of an admission note and/or a mental health assessment and ITP.
    - A) Prior to the completion of an ITP, comprehensive mental health services shall be provided according to the admission note for a maximum of 14 days from the date of the client's admission.
    - B) A mental health assessment and ITP must be completed in accordance with subsections (c) and (d) of this Section within 14 days after a client's admission to a program providing comprehensive mental health services.
    - C) Following completion of the mental health assessment and ITP, comprehensive mental health services shall be provided



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according to the client's ITP.

- 4)† Comprehensive mental health services may include any of the services described in this Section and in Section 132.165.
- 5)†† Comprehensive mental health services shall be provided by individuals possessing the required qualifications for each discrete service.

1) Client-centered consultation

- 1) Is provided on a face-to-face or personal contact basis for the purpose of implementing and/or evaluating the implementation of the client's ITP.

2) May include:

- A) A scheduled meeting or conference for professional communication among provider staff, staff of other agencies, and child care systems including school personnel or other professionals involved in the treatment process.

- B) A scheduled meeting or conference for professional communication between provider staff and family members involved in the treatment process.

- 3) Must be provided in conjunction with one or more rehabilitative mental health services as specified in this Section and in accordance with the ITP.

- 4) Does not include advice given in the course of clinical staff supervisory activities, in-service training, treatment planning or utilization review and may not be billed as part of the assessment process.

- 5) May be provided by a QMHP or MHP.

m) Intensive family-based services for children and adolescents

- 1) Intensive family-based services:

- A) Shall be provided to a child or adolescent with a mental illness and to his or her other family members as needed to support the rehabilitation and restoration of the child or adolescent to an optimal level of functioning and to reduce the risk of more restrictive treatment for the child or adolescent such as psychiatric hospitalization;

- B) Are concentrated therapeutic activities which may include:

- i) One-to-one counseling for therapeutic activities;
- ii) Counseling related to ITP goals and objectives;
- iii) Individual/family social rehabilitation related to the child's emotional deficits;
- iv) Counseling in behavioral management; and
- v) Assistance in household management related to the provision of mental illness-related care services for the child;

- C) Are generally provided in-home or at other off-site locations and are made available when and where the needs of the child and family can best be met; and

- D) Must be provided in conjunction with other rehabilitative mental health services and are primarily used as a catalyst

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to stabilize acute crisis situations and/or to diffuse or avert a family crisis.

- 2) A client 17 years of age or younger and his or her family are eligible for services when the level of the client's or his or her family's role functioning requires in-home or other intensive therapeutic interventions to avoid more restrictive services such as inpatient hospitalization or other out of home placement.

- 3) Generally, termination criteria for intensive family based services shall include a determination that the child's and his or her family's level of role functioning has improved or has been stabilized to allow for transfer or referral to less intensive rehabilitative mental health services or case closure.
- 4) Services may be provided by an MHP.

n) Assertive community treatment (ACT)

- 1) ACT is an inclusive array of community-based rehabilitative mental health services and supportive services for persons with serious mental illness who have a history of high use of psychiatric hospitalization and therefore require a well coordinated and integrated package of services, provided over an extended duration, in order to live successfully in the community of their choice.

2) Eligibility criteria

- A) Adult (18 and over) with frequent, lengthy or repeated admissions to State-operated facilities who meet one of the following criteria:

- i) Three or more hospitalizations in a State-operated facility in the past 12 months; 7
- ii) Five or more hospitalizations in a State-operated facility in the past 24 months; 7 or
- iii) 180 days total length of stay in the past 12 months.

- B) The Department may authorize ACT services for other specific target populations (e.g., persons who are homeless, who have a severe and persistent mental illness) or individuals based on the need for assertive community treatment level services.

3) Termination criteria

Individuals may be served for as long as their needs dictate. However, if any individual consistently refuses to participate for a period of six months, he or she may be placed on an "inactive roster" and may be re-activated as needed.

- 4) The ACT team shall assume responsibility for assisting the individual to achieve, most importantly, decreased hospitalization and improved community functioning, to include:

- A) Stabilizing the living arrangement, including obtaining and maintaining housing and other basic necessities, i.e., food and clothing, assisting the individual to obtain and maintain community living arrangements which afford safety and basic comforts, and providing ongoing services to ensure

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maintenance of the living arrangement during periods of institutional care, such as paying the rent and utilities; medication, including medication evaluation, education, prescription, administration, self-administration monitoring and training (including delivery of medication as necessary). This further includes observing and reporting effects and side effects of prescribed medication;

- C) Money management, providing assistance in money management, budgeting, and applying for financial entitlement, including becoming the representative payee; and
- D) General health, vision, hearing and dental, including access to services for assessment, on-going treatment, follow-up, medication management and compliance, providing training in obtaining medical services in emergencies and non-emergency situations.

5) The ACT team will include but not limit itself to the following activities:

- A) Linking individuals with resources and services;
- B) Providing supportive counseling and problem-solving;
- C) Assistance on an on-going basis and in times of crisis, including 24 hour crisis response;
- D) Providing personal support and assistance in gaining access to other mental health treatment and rehabilitation services, vocational training, educational services, legal services, employment opportunities, leisure, recreation, religious and social activities and self-help groups;
- E) Maintaining on-going involvement with the individual during stays in other environments such as State-operated facilities, convalescent care facilities, community hospitals or rehabilitation centers;
- F) Accessing and providing training in obtaining medical services, emergency and non-emergency;
- G) Advocating on behalf of the individual;
- H) Providing information and educational and advocacy services to family members;
- I) Developing natural community supports and fostering relationships with non-paid persons in the community such as neighbors, landlords and volunteers;
- J) Assisting individuals with activities of daily living through skills training and acquisition of assistive devices; and
- K) Providing or assisting with transportation.

6) Staff qualification  
The ACT team shall include a multi-disciplinary mix including mental health professionals and substance abuse treatment professionals. The team shall include a psychiatrist, a QMHP, and mental health professionals and may include RSAs. It is highly desirable to include a nurse and a certified alcoholism

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and other drug counselor, certified by the Illinois Alcohol and Other Drug Abuse Professional Association, Inc., as part of the team.

## 7) Service requirements

- A) ACT services shall be provided on a face-to-face or personal contact basis, with the client or on behalf of clients, with involved others, for the purpose of gaining access to treatment, rehabilitation and support services.
- B) Services may be provided following a determination of eligibility for ACT services and may commence prior to the completion of a comprehensive assessment and the development of the individual treatment plan when immediate assistance is needed to obtain food, shelter and clothing.
- C) Services shall be provided under the direction of a LPHA which is demonstrated by the LPHA's signature on the individual treatment plan.
- D) The individual treatment plan shall be developed within 45 days after completing the assessment.
- E) Case management may not be billed in combination with ACT services.
- F) A staff to client ratio of no more than 1:10 to 1:15 shall be maintained.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 132.155 Family intervention, stabilization and reunification services**

- a) Services under this Section are provided to clients with substantial impairment in role functioning as indicated by an ICD-9-CM diagnosis and whom DCFS has determined require services pursuant to one of its legal mandates for the purpose of assuring the protection and permanency of one or more child or adolescent members of the family, and who meet one or more of the following conditions:

1) A child for whom DCFS is legally responsible and who is placed in a relative foster home, a licensed foster home, group home or, as permitted by federal law, a child care institution, or an undomiciled child, when the child has been determined to be:

- A) Be demonstrating behavioral and/or emotional responses so different from generally accepted age-appropriate, ethnic or cultural norms as to result in a significant impairment in self-care, social relationships, educational progress and behavior, work adjustment or family (or equivalent) adjustment; or
  - B) Be at risk or has actually experienced separation from his or her family.
- 2) Members of the family of a child described in subsection (a) (1) of this Section when involvement of the child's family in



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services is identified as directly related to the child's problems and is also identified in the child's rehabilitative services plan.

3) A child for whom DCFS is legally responsible or any other child served by DCFS who resides with his or her parent or guardian and the child meets one of the criteria listed in subsection (a)(1) of this Section.

4) Members of the family served by DCFS when the child who meets one of the criteria in subsection (a)(1) of this Section is residing with his or her parent or guardian and involvement of the family in services is directly related to resolving the child's problems as identified in the child's rehabilitative services plan.

b) Services under this Section are provided to DOC youths with substantial impairments in role functioning as indicated by an ICD-9CM diagnosis, who DOC has determined require services, and who demonstrate behavioral and/or emotional responses so different from generally accepted age-appropriate, ethnic or cultural norms as to result in a significant impairment in self-care, social relationships, educational progress and behavior work adjustment or family (or equivalent) adjustment.

c) When the parent or guardian with whom the child resides has a DSM-IV diagnosis of mental illness and successful treatment of the illness is essential for the child's protection and/or permanency, services shall be provided in accordance with Section 132.150.

d) Rehabilitative assessment

1) A rehabilitative assessment shall be initiated within 45 working days after a written referral or a verbal request which is confirmed in writing within 48 hours.

2) The rehabilitative assessment shall include a face-to-face or personal contact interview with the client and collaterals, as indicated.

3) A psychiatric evaluation, if applicable, shall be conducted by a physician on a face-to-face basis with the client.

4) A psychological assessment, if applicable, shall be conducted by a licensed clinical psychologist on a face-to-face basis with the client.

5) The rehabilitative assessment shall include at a minimum the items identified in Section 132.150(c)(6).

6) When the rehabilitative assessment results in the determination that additional services under this Section are required, such services shall be recommended by a physician or a LPHA.

7) Responsibility for the completed rehabilitative assessment shall be assumed by staff possessing a master's degree in human services or a bachelor's degree and having five years of human services experience who may be assisted by staff with a minimum of a bachelor's degree. A minimum of one face-to-face contact with the client and his or her family, and the client's guardian, if applicable, at the client's request or by agreement of the

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client, when the family can provide pertinent information or support, is required by the staff responsible for completing the rehabilitative services assessment.

8) A client determined to be in need of rehabilitative services shall receive a rehabilitative assessment prior to the determination of the specific rehabilitative services and the initiation of services. If the client is determined to be in need of immediate rehabilitative crisis intervention and stabilization services pursuant to subsection (f) of this Section, a rehabilitative assessment shall not be required prior to the initiation of rehabilitative crisis intervention and stabilization services.

e) Rehabilitative services plan development, review and modification

1) The rehabilitative services plan shall be developed with the participation of the client and the client's guardian, if applicable. The plan shall be signed by the client, if 12 years of age or older, or by the parent or legal guardian of the minor client, the staff who developed the plan and the physician, LPHA or QMHP. A copy shall be given to the client, if not contraindicated, and the client's parent or guardian, if applicable, and incorporated in the client's record.

2) The rehabilitative services planning process consists of face-to-face contacts, collateral contacts and meetings with the client.

3) The rehabilitative services plan shall be developed within 45 days after the documented date of completing the rehabilitative services assessment. The rehabilitative services plan shall include a diagnosis as specified in the DSM-IV or ICD-9-CM.

4) The rehabilitative services plan shall state the overall goal of the services, identify the specific rehabilitative services to be provided, the duration of services and the anticipated outcomes.

5) Responsibility for development of the rehabilitative services plan shall be assumed by staff having at least a bachelor's degree with two years of human services experience.

6) The planning process for clients who also receive rehabilitative services under Section 132.150 shall comply with the provisions of Section 132.150(d).

7) A physician, LPHA or QMHP shall provide ongoing clinical direction of family intervention, stabilization and reunification services identified in the rehabilitative services plan. Such clinical direction includes reviewing the plan no less than once every six months and modifying the plan, as necessary.

8) A physician or a LPHA shall determine the continuing necessity for services under this Section at least annually.

9) If multiple Department or DCFS Medicaid certified providers are involved in providing services described in this Section, one master rehabilitative services plan shall be developed by the team of individuals responsible for providing the respective

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services.

- f) Rehabilitative counseling
  - 1) Rehabilitative counseling shall be provided in accordance with a rehabilitative services plan for the purpose of behavioral or functional changes in the eligible adult or child which are necessary for the individual's day-to-day functioning.
  - 2) Rehabilitative counseling activities may include individual, group or family counseling.
  - 3) Responsibility for the provision of rehabilitative counseling shall be assumed by an individual possessing at least a bachelor's degree in human services with one year of human services experience.
- g) Rehabilitative crisis intervention and stabilization
  - 1) Rehabilitative crisis intervention and stabilization services shall be provided to all eligible clients who are experiencing an acute crisis which threatens safety or functioning, or extrusion from the family.
  - 2) Rehabilitative crisis intervention and stabilization shall include:
    - A) Immediate preliminary assessment;
    - B) Counseling; and
    - C) Referral to other applicable medically necessary rehabilitative services.
  - 3) The rehabilitative crisis intervention and stabilization process consists of face-to-face or personal contact intervention with a client and short-term placement prevention services.
  - 4) Rehabilitative crisis intervention and stabilization services shall be delivered by staff possessing a bachelor's degree in human services with one year of human services experience. Pre-psychiatric hospitalization screening shall be handled only by a QMHP or by an MHP with access to a QMHP who is available for immediate consultation and clinical supervision.
- h) Rehabilitative consultation and review
  - 1) Rehabilitative consultation and review activities are provided in accordance with a rehabilitative services plan.
  - 2) Rehabilitative consultation and review activities may include:
    - A) Scheduled or unscheduled multidisciplinary case consultations with other external or internal professionals or agencies;
    - B) Attendance at and participation in required DCFS or DOC case reviews including administrative case reviews; and
    - C) Participation in scheduled court hearings.
  - 3) Responsibility for rehabilitative consultation and review activities is limited to:
    - A) Staff serving as case managers/lead workers and their supervisors;
    - B) Staff meeting as part of a multidisciplinary consultation team; and/or

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- C) Staff participating in required DCFS or DOC reviews, including administrative case reviews.
- i) Rehabilitative stabilization services
  - 1) Rehabilitative stabilization services shall be provided in accordance with specifications in a rehabilitative services plan in order to develop or maintain an adult's or child's functioning.
  - 2) Rehabilitative stabilization activities may include:
    - A) Parental functioning development;
    - B) Individual functioning development;
    - C) Self-management functioning development;
    - D) Parent-child interaction functioning development or sibling interaction functioning development;
    - E) Self-management development; and
    - F) Family management development.
  - 3) Responsibility for the provision of rehabilitative stabilization services shall be assumed by a person with no less than two years of human services experience or by a rehabilitative services associate (RSA).
- j) Developmental rehabilitative services
  - 1) Developmental rehabilitative services shall be provided in accordance with a rehabilitative services plan to restore a child or adolescent to a maximum level of functioning.
  - 2) Developmental rehabilitative services may include time spent in activities using art, music, drama, play or recreation either to individuals or as a group activity.
  - 3) Responsibility for the provision of developmental rehabilitative services shall be assumed by an individual possessing a bachelor's degree plus no less than two years of human services experience or by an RSA.
- k) Comprehensive rehabilitative services
  - 1) Comprehensive rehabilitative services shall be provided to a client eligible-children-in-accordance-with-the-children's-ipp-or-rehabilitative-services-plan for the purpose of behavioral or functional changes which are necessary for the client's children's day-to-day role functioning.
  - 2) Comprehensive rehabilitative services may be provided to a client child-receiving-care-or-services in a specialized substitute care living arrangement supervised by a certified provider which is under contract to the Department, DCFS or DOC to provide specialized substitute care.
  - 3) Comprehensive rehabilitative services shall be provided following the completion of an admission note and/or a rehabilitative assessment and RSP.
    - A) Prior to completion of an RSP, comprehensive rehabilitative services shall be provided according to the admission note for a maximum of 14 days from the date of the client's admission.



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- B) A rehabilitative assessment and RSP must be completed in accordance with subsections (d) and (e) of this Section within 14 days after a client's admission to a program providing comprehensive rehabilitative services.
- C) Following completion of the rehabilitative assessment and RSP, comprehensive rehabilitative services shall be provided according to the client's RSP.
- 4) Comprehensive rehabilitative services may include any of the services described in subsections (a) through (j) of this Section and Section 132.170.
- 5) Comprehensive rehabilitative services shall be provided by individuals possessing the required qualifications for each discrete service.
- 1) Short-term diagnostic and rehabilitative services
- 1) Short-term diagnostic and rehabilitative services shall be provided to eligible children for the purpose of behavioral or functional changes which are necessary for the child's day-to-day functioning.
  - 2) Short-term diagnostic and rehabilitative services may be provided to a child receiving care or services in a specialized substitute care living arrangement.
  - 3) Short-term diagnostic and rehabilitative services may include any of the services described in subsections (a) through (j) of this Section and Section 132.170.
  - 4) Short-term diagnostic and rehabilitative services shall be provided by individuals possessing the required qualifications for each discrete service.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) Section Numbers: Proposed Action:  
 590.10 Amendment  
 590.20 Amendment  
 590.25 Amendment  
 590.40 Amendment  
 590.50 Amendment  
 590.60 Amendment  
 590.80 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update statewide regulations, update site-specific regulations, and open and close State-owned or -managed sites.
- 6) Will this rulemaking replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
 Department of Natural Resources  
 524 S. Second Street  
 Springfield IL 62701-1787  
 217/782-1809

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit

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corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 590

## DUCK, GOOSE AND COOT HUNTING

Section	Statewide Regulations
590.10	Duck, Goose and Coot General Hunting Regulations on Department-Owned
590.15	and -Managed sites Listed in Sections 590.40 and 590.50
590.20	Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all
	Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60	Various Other Department Sites - Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Hunting Regulations on Department
	Sites

## EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

**SOURCE:** Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill.



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Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14255, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18967, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 12, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 590.10 Statewide Regulations

a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 USC 703-711), the "Migratory Bird Hunting Stamp Act" (16 USC 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20 and 21) (collectively referred to in this Part as

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federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.

b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.

c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive.

d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.

e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than bismuth BBB, tungsten-iron BB, tungsten-polymer BB, tungsten-matrix BB, or tin BBB (if authorized via Federal Register) when attempting to take waterfowl.

f) Emergency Closure  
The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

g) Closed Areas  
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.

h) Commercial Migratory Waterfowl Hunting Area Permits  
1) The holder of a permit shall forward information on harvest and hunters to the Department, by phone or on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.

2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.

3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.

i) Waterfowl Hunting Zones:  
1) North Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate

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- 80, then east along U.S. Interstate 80 to the Indiana border.
- 2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.
  - 3) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.
  - 4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
  - 5) South Zone - From the southern boundary of the Central Zone south to the remainder of the State.
  - 6) Rend Lake Quota Zone - all lands and waters in Franklin and Jefferson Counties.
  - 7) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
  - 8) Southern Illinois Quota Zone - Alexander, Union, Williamson, and Jackson Counties.
  - j) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours shall close at sunset daily, and during any Canada Goose Season set in September, hunting hours shall close daily at sunset and, during special light goose seasons as indicated in subsection (n), hunting hours shall close at one-half hour after sunset daily.
  - k) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.
  - l) The following apply in the Northern and Central Illinois Quota Zones:
    - 1) It is unlawful to hunt Canada geese during seasons after September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State

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- waterfowl stamp that is signed by the hunter or affixed to his/her license.
- 2) Immediately upon taking possession of a harvested Canada goose, hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone where killed. ~~Hunters who take 3-Canada geese in one day must mark with an "X" in indelible ink or punch or slit their permit on or above the line immediately above the dates where the other 2 geese that were taken were marked.~~
  - 3) Hunters must report their kill on the same calendar day the geese are taken by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.
  - m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license.
  - n) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.
- (Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)
- Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting**
- a) Sites covered in this Section, which allow hunting by permit only, are:
    - Banner Marsh Fish and Wildlife Area
    - Sangchris Lake State Park subimpoundment
    - Snake Den Hollow State Fish and Wildlife Area
    - Union County Conservation Area
  - b) Permit Requirements
    - 1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation.
    - 2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40



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hunnable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3-8 of the Wildlife Code [520 ILCS 5/3-8].

- 3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one hunting partner or one non-hunting partner or two non-hunting partners (three persons per blind but not more than two hunters per blind) for Snake Den Hollow State Fish and Wildlife Area and Union County, or three partners (hunters or non-hunters; four persons per blind) for Banner Marsh and Sangchris Lake State Park subimpoundment. Non-hunting partners are defined as persons under 21 years of age accompanying the hunter in the blind. Unallocated unfitted blinds shall be filled by a drawing at the sites.

- 4) Permits are not transferable.

- 5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources

Permit Office - Waterfowl

P.O. Box 19457

Springfield, IL 62794-9457

## c) General regulations

- 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at Snake Den Hollow from October 1 through close of Central Zone Canada Putean-knox-County goose season.

- 2) Hours, permits and Stamp Charges

- A) Hunting hours are from legal opening time until 1:00 p.m.

- B) At Snake Den Hollow from opening day through December 14, hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. From December 15 through the close of goose seasons, hunters with permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. At Banner Marsh Fish and Wildlife Area and Union County Conservation Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment hunters must be checked in 90 minutes before legal hunting hours (2 hours before sunrise). Permits are void after this time.

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- C) A \$15 Daily Usage Stamp must be purchased at Snake Den Hollow State Fish and Wildlife Area and Union County Conservation Area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh Fish and Wildlife Area and Sangchris Lake State Park subimpoundment. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- 3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 4) Guns must be unloaded and encased at all times when not hunting.
- 5) The legal hunting season for Union County Conservation Area is the dates of the Quota Zone goose hunting season except that the areas shall be closed on Mondays and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25.)
- 6) The legal hunting season at Snake Den Hollow is the dates of the Central Zone goose hunting zone except that the area shall be closed on Tuesdays, Wednesdays, and December 24, 25 and 26.
- 7) The legal hunting season at Banner Marsh is the dates of the central zone duck hunting season.
- 8) The legal hunting season for the Sangchris Lake subimpoundment is the opening day of the Central Zone Duck Hunting Season, Tuesdays, Saturdays and the last day of the Central Zone Duck Hunting Season.
- 9) Hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit at Union-County-Conservation Area-and Snake Den Hollow.
- 10) At Union County Conservation Area during duck season hunters may possess up to 25 shot shells. When duck season is closed hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 11) At Union County Conservation Area hunters may bring up to 3 dozen decoys per party. No full bodied or supermagnum shell decoys are allowed.
- 12) Hunters without their guns may leave the blind to retrieve crippled waterfowl at Union County Conservation Area.
- 13) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 590.25 Illinois Youth Waterfowl Hunting Permit Requirements

- a) State sites covered in this Section, which allow hunting by permit only, are:

Donnelley State Wildlife Area

Horseshoe Lake Conservation Area (Alexander County)

Union County Conservation Area

## b) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 on the date of the hunt.
- 2) Only one permit per person shall be issued for the hunt on the first weekday after December 26 other than a Monday at Horseshoe Lake Conservation Area (Alexander County) and Union County Conservation Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley State Wildlife Area.
- 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt.
- 4) Permit reservations and transferability.
  - A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
  - B) For other information write to:  
Illinois Department of Natural Resources  
Youth Waterfowl Hunt  
524 S. Second Street, Room 210  
P.O. Box 19457  
Springfield, IL 62794-9457

- 5) Permits for the Illinois Youth Waterfowl Hunt shall be issued from the Springfield Permit Office.

## c) General waterfowl hunting regulations at the Youth Waterfowl Hunting Areas.

- 1) Hours, Permits and Stamp Charges
  - A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from legal opening until 1:00 p.m. on the day of the Youth Goose Hunt. Hunting hours at Donnelley State Wildlife Area are from statewide opening sunrise to 1:00 p.m. on the day of the youth waterfowl duck hunt.
  - B) Hunters with Illinois Youth Waterfowl Hunt permit

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reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. A drawing shall be held to allocate blind sites.

- C) There is no fee for the Illinois Youth Waterfowl Hunting Permit.

- 2) Hunting must be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

- 3) Guns must be unloaded and encased at all times when not hunting.

- 4) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County), each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.

- 5) Each youth and supervising adult may be accompanied by a non-hunting guide.

- 6) At Rend Lake, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.

- 1) Anderson Lake Conservation Area - All Management Units (previous years blind builders shall have until February 1 to salvage blind materials)
- 2) Batchtown (3:30 p.m. closing; Central Standard Time (CST)) (3 year blind allocation period)
- 3) Calhoun Point (3:30 p.m. CST closing) (3 year blind allocation period)
- 4) Glades (3:30 p.m. CST closing) (3 year blind allocation period)
- 5) Godard-Diamond (3:30 p.m. CST closing) (3 year blind allocation period)
- 6) Horseshoe Lake - Madison County (3:30 p.m. CST closing; 3 year blind allocation)
- 7) Lake DePue and Lake DePue Walk-in Unit (aka 3I)
- 8) Marshall County Conservation Area - (previous years blind builders shall have until February 1 to salvage blind materials) - Spring Branch Unit
- 9) Maconia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials;



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goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)

10) Rice Lake Conservation Area (previous years blind builders shall have until February 1 to salvage blind materials)

11) Sanganois State Fish and Wildlife Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held after the duck season)

12) Spring Lake (previous years blind builders shall have until February 1 to salvage blind materials; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.; no goose hunting prior to duck season)

13) Stump Lake (3 year blind allocation period; 3:30 p.m. CST closing)

14) Woodford County Fish and Wildlife Area (previous year's blind builders have until February 1 to salvage blind materials)

15) William Powers Conservation Area (legal closing) (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet of the following numbered marked blind sites: 4, 5, 7, 8, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23; all hunters must check in prior to occupying blind and must check out no later than one hour after legal closing time)

b) The following regulations apply to all sites listed in this Section under subsection (a):

1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.

3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.

4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's

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Identification Cards shall be returned.

5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site.

6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of regular duck season through the close of regular duck and Canada goose season.

7) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.

8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).

9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Batchtown, Calhoun Point, Glades, Godard-Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m. - 1:00 p.m.) after which time the area shall be closed to additional hunters.

10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.

11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

a) The following sites conform to Statewide Regulations (Section 590.10)

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and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Anderson Lake West Point Management Unit (walk-in or boat; staked sites; daily draw)

Blanding Wildlife Area (Federal Lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)

Boston Bay (No permanent blinds may be built; temporary blinds only; 200 yards apart)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by May 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year)

Clear Lake Wildlife Management Area (Public hunting area and waterfowl rest area shall be delineated by the Department; access to and from the public hunting area will be designated by the Department) (one year blind allocation blind--allocation--and hunting-procedures-will-be-publicly-announced)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Helmbold Slough (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Illinois River - Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake-DePue-Waik-in-Unit--(daily-drawing--1-00-p.m.--closed)

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Lake Sinnissippi (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than ten days after the close of the northern zone waterfowl season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites beginning November 15 for those blinds removed on or after November 15)

Marshall County Conservation Area - Sparland Unit (Department Owned Land; previous years blind builders shall have until February 1 to salvage blind materials)

Sinnissippi River Pool 16 (Federal Lands; no permanent blinds--temporary blinds only above Vellie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; two year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Momence Wetlands (Hunting allowed from a portable blind or anchored boat blind only; no more than 3 persons per blind site; area closed Mondays, Wednesdays, Thursdays and Fridays, except hunting is permitted on the opening day of duck season; no hunting during firearm deer seasons)

Pekin Lake (Department Owned Land)

Piasa Island (3 year blind allocation period)



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Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 only)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Redwing Slough/Deer Lake State Natural Area (hunting from boat blinds is permitted within 10 feet of marked blind sites)

Rice Lake Walk-in and Copperas Creek Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period)

Starved Rock State Park (Department managed areas; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; all blinds must be removed in their entirety no later than 10 days after the close of the Central Zone waterfowl season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites beginning November 15 for those blinds removed on or after November 15 ~~previous years blind-builders shall have until February 1 to salvage blind materials, sign-in and sign-out to report harvest required~~)

b) The following regulations apply to all sites listed in this Section under subsection (a).

- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
- 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- 3) All hunting must be from registered blinds only unless otherwise

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noted in parentheses under subsection (a).  
4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).

5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.

6) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide, and except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.

7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area the limit of 4 persons does not apply.

8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished either in person or through the mail during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges two weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.

10) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before waterfowl season as posted at the site.

c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Clear Lake Wildlife Management Area

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Des Plaines Conservation Area

Kankakee River State Park

Redwing Slough/Deer Lake

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

a) Regulations

- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated with by (1) following the location in subsection (b).
  - 2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
  - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
  - 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
  - 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
  - 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
  - 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
  - 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season as posted at the site.
- b) Site specific regulations
- 1) Cache River State Natural Area (1)
  - 2) Campbell Pond Wildlife Management Area (1)
  - 3) Carlyle Lake Project Lands and Waters
- A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that

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occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.

B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.

C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department of Natural Resources personnel will designate boat launching locations.

D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Natural Resources personnel shall post that the area is open to boats with motors of 10 HP or less and will designate boat launching locations.

E) The waterfowl rest area(s) will be publicly announced and posted.

~~FG) Known in the subimpoundment areas; compartment-4 will be a waterfowl rest area during the entire waterfowl season. No hunting within 50 yards of rest area signs on B and P levees which contain subimpoundment-4 is permitted. No trespassing will be allowed, except for hunters boating through the area on the Kaskaskia River along P levee and boaters hunting on Hurricane Creek between C and B levees. At the close of duck hunting season, known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl goose hunting.~~

GF) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.

GH) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.

IH) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.

JF) During the last 3 days of Canada goose season and during any



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goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.

- 4) Chauncey Marsh (1)  
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
- 5) Clinton Lake (1)  
A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.  
B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.  
C) No more than 4 persons shall occupy or use a portable boat blind.  
D) Each hunting party is required to hunt over a minimum of 12 decoys.  
E) No hunting is permitted within 300 yards of power lines.  
6) Coffee Lake State Fish and Wildlife Area  
A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day. Hunters must obtain a free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of the following year or hunting privileges for the following season will be forfeited.  
B) Hunting from staked sites only.  
C) No permanent blinds.  
D) Hunting by boat access only.  
E) No cutting vegetation on site.  
F) Hunting north of railroad tracks only.  
G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.  
H) Four hunters per blind site.  
I) No hunting during firearm deer seasons.  
J) All hunters must be checked out at sign in box by 2:00 p.m.  
7) Cypress Pond State Natural Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day) (1)  
8) Dog Island Wildlife Management Area (1)  
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.  
9) Donnelley State Wildlife Area  
A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm.

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Code 650.10 except as indicated in Section 590.25.  
B) Goose hunting is prohibited after the close of the duck season.

C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.

D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.

E) A hunter may bring one or two hunting partners under the age of 21.

F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.

G) No outboard motors are allowed by public - only by authorized DNR personnel.

H) No more than 3 persons shall occupy a blind at any one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.

I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 2:00 p.m.

J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.

K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

10) East Conant Field  
Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.

11) Fort de Chartres Historic Site (1)

A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.

B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

C) No hunting is allowed during firearm deer season.

12) Fox Ridge State Park (1)

Hunting restricted to Embarras River and its flood waters.

13) Fox River

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- A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.
- B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come-first served basis.

## 14) Freeman Mine

Hunting regulations will be publicly announced.

## 15) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake

- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
- C) Access to water blind sites must be by boat only and from designated boat launch sites.
- D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
- E) Upon vacating blind sites, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening

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- of regular duck season until February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.
- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- K) Hunting is closed on Christmas Day and New Year's Day.
- L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- M) It is unlawful to shoot across any dike.
- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

## 16) Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only

- A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed until December 15. Area is closed on Mondays, Tuesdays and on December 24, 25, 26 and on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).
- B) Hunting shall be done from assigned blinds only.
- C) A daily drawing for assigned blind sites will be held at 5:00 a.m. at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.
- D) Hunters must deposit their license prior to going to their blinds.
- E) Hunters must park in assigned, designated areas only.
- F) Hunters must hunt over a minimum of 12 Canada goose decoys. A maximum of 3 dozen decoys is allowed; no full bodied or supermagnum shell decoys are allowed.
- G) Hunters must return to the check station and report their harvest by 2:00 p.m.
- H) During duck season hunters may possess up to 25 shot shells. When duck season is closed, hunters Hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- I) Hunters cannot move from blind to blind, nor leave the



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assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.

## 17) Horseshoe Lake (Alexander County) Public Hunting Area

A) Closed to waterfowl hunting on Mondays and Tuesdays.

B) When duck season is closed, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

## 18) Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)

## 19) Kaskaskia River Fish and Wildlife Area

A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.

C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.

D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.

## E) The following regulations apply to the Doza Creek Waterfowl Management Area:

i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.

ii) Only waterfowl, coot, archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.

iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake, and only one hunting party may occupy a staked site at any given time. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first-come first-served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards between hunting parties.

iv) A drawing for stake allocation will be done at the site office by mail no later than 4 weeks before the opening day of duck season. The application deadline

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and procedure will be publicly announced. Hunters who wish to hunt together at a staked location must register as a hunting party. Only 4 persons shall be in a hunting party. Only those persons in that party may hunt at the assigned stake. No later than 2 weeks prior to duck season, at least one person from each of the hunting parties drawn should appear at the site office to choose a staked site in the order that the hunting parties were drawn.

## F) Handicapped waterfowl hunting blind (Dry Lake Access Area)

i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.

ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.

iii) Hunters must sign in/out and report harvest at check station after hunting.

## 20) Kinkaid Lake Fish &amp; Wildlife Area (1)

21) Lake Shelbyville (except for land/waters covered in subsection (b)(22) of this Section) (1)

22) Lake Shelbyville West Oak and Kaskaskia Fish and Wildlife Area  
A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.

B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide. In addition, the following regulations shall apply:

i) All parties must hunt within 10 yards of their assigned stake.

ii) All parties must be in place by one-half hour before hunting time.

iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(22)(A) and (B) above. Hunting in the Fish

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Hook Area shall be restricted to designated, staked sites on a first come-first served basis until the opening of the Illinois southern zone duck season, except as noted in subsections (b)(22)(A) and (B) above. A hunting party must hunt within 10 yards of the stake.

- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.

- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.

- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.

- G) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.

- H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

23) Meredosia Lake - Cass County Portion Only (meandered waters only)

- A) All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes.

- B) Hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes.

24) Marmet

- A) Waterfowl hunting shall be permitted only during the duck hunting season.

- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

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- C) The daily drawing shall be held one hour prior to legal opening time.

- D) All members of the hunting party shall register as a group (not to exceed 4 persons per group, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f)), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide) for the purpose of the drawing.

- E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.

- F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

- G) Boats without motors may be used in the walk-in areas.

- H) No hunting Christmas Day.

25) Newton Lake Fish and Wildlife Area

- A) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis.

- B) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

- C) Upon vacating their blinds, hunters must place their completed harvest cards in the collection box located at the boat ramp.

- D) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.

- E) No more than 4 persons shall occupy a blind at one time.

- F) The west arm of the lake shall be closed to all waterfowl hunting.

- G) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.

- H) Hunters wishing to move to another blind location may do so, providing they include the blind change on the harvest card and report their kill for each blind.

- I) Access to blind sites shall be by boat only and from the west side boat ramps.

- J) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes.

- K) Crippled waterfowl that fall on land, other than areas



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designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

- L) No pits or blinds shall be built on State Lease Ameren/CIPS land.
- M) Blind site: A position between two like numbered stakes where a blind may be located.
- N) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.
- O) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- P) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- Q) This site is closed to all users except firearm deer hunters during the firearms deer seasons.

## 26) Oakford Conservation Area (1)

- 27) Ray Norbut State Fish and Wildlife Area (1)  
Statewide season regulations apply except that the season closes December 15 in Eagle Roost Area, or the legal statewide closing, whichever is earlier.

## 28) Rend Lake Project Lands and Waters

- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting permitted from the subimpoundment dams.
- C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.
- D) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- E) All boat traffic is prohibited from entering the subimpoundments from 1 week before waterfowl season until opening day of waterfowl season.
- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- G) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
  - i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not

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register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.

- ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
- iii) All hunters must have the registration card from the check station in their possession while hunting.
- iv) Hunters must occupy the pit they have drawn by legal shooting time. If a pit is not occupied by legal shooting time, another party who has registered at the check station may occupy the unclaimed pit.
- v) No more than 6 dozen decoys may be used per pit.
- vi) No more than 4 hunters will be allowed in a pit or hunting party.

H) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

I) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.

J) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:

- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
- ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
- iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
- iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
- v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
- vi) Bounded on Nason Point by refuge boundary signs at project limits.

K) After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

L) Staked Hunting Areas - Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:

- i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field in which the stake is located and only one hunting party may occupy a staked site at any given

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- time.
- ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from 1/2 hour before drawing time to 9:30 a.m. daily.
  - iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
  - iv) Hunters arriving at the check station after the draw may enter the staked area only if it is one hour prior to shooting time or between 9:00 a.m. and 9:30 a.m. All hunters must register at the check station.
  - v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis. If hunters do not ~~Hunters must~~ occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
  - vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
  - vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.
- 29) Saline County Conservation Area (1)
- A) Waterfowl hunting is allowed north of the township road only.
  - B) Walk-in hunting only.
  - C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.
- 30) Sand Ridge State Forest (Sparks Pond Land and Water Reserve ~~Mud Turtle-State-Natural-Area~~) (1)
- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
  - B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
  - C) Hunters must report harvest to site office.
- 31) Sanganois State Fish and Wildlife Area

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- A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
  - B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
  - C) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
  - D) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.
  - E) Upon the completion of hunting, hunters must report to the check station within one hour.
  - F) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
  - G) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
  - H) No person shall trespass on the Marion-Pickrel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
  - I) When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
  - J) No hunting permitted from the walk-in area subimpoundment levee.
  - K) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.
- 32) Sangchris Lake State Park
- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.
  - B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)

- C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.

- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(32)(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.

- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.

- I) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.

- J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.

- K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.

- L) All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from 1 Department designated blind or pit.

- M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

- N) No unauthorized pits or blinds shall be built on State

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managed land.

- O) Blind sites: A position between two like numbered stakes within a cove or other Department designated site where a blind may be located.

- P) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.

- Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt (except at peninsula subimpoundments where only Department decoys may be used).

- R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.

- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sanghris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.

- T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season.

- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

- 33) Sato Field

Waterfowl hunters must obtain permit prior to hunting. Permit must be returned by February 15.

- 34) Shawnee National Forest, Upper and Lower Bluff Lakes  
Goose hunting is prohibited.

- 35) Shawnee National Forest, LaRue Scatters

All hunting must be by walking in or in boats without motors.

- 36) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

A) All hunting must be by walking into the area.

B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.

C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.

- 37) Sielbeck Forest Natural Area (11)

3897) Stephen A. Forbes State Park

A) On the main lake hunting is allowed from a boat blind only in the designated areas.

B) Only walk-in hunting is allowed in the subimpoundment.



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- C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

3930) Ten Mile Creek Fish and Wildlife Area (1)

- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.

- B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

- C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.

- D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

4039) Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)4140) Union County (Firing Line Waterfowl Management Area)

- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult. ~~It shall be unlawful to take a gun beyond the posted boundary while retrieving waterfowl.~~

- B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed ~~Goose hunting from staked sites only.~~

- C) Access to blind sites is from Clear Creek Levee only.

- D) All hunting must be from assigned blinds or within 30 feet of the assigned, numbered, hunter stake site.

- E) Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over. Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.

- G) When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites**

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:

- 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (\*).
  - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
  - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
  - 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.
  - 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
  - 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
  - 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.
  - 8) During goose seasons held after Canada goose season, statewide hunting hours apply.
- b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area @

Cache River Natural Area \*

Carlyle Lake Project Lands and Water (no early goose hunting east of Kaskaskia River from Cox's Bridge Access north to the Department's boundary line) \*

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area \*

Fort de Chartres Historic Site

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~~Horseshoe--Lake--Conservation--Area--(controlled--hunting--and--public hunting--areas)--\*~~

Horseshoe Lake State Park (Madison County) (snow goose season closes February 28) #

Kaskaskia River State Fish and Wildlife Area (applicable to Baldwin Lake waterfowl rest area only; hunting must occur within 10 yards of a numbered stake; one hunting party (maximum 4 hunters) per stake; no permanent blinds; for the first 4 weeks after the regular Canada goose season, stakes will be allocated via a drawing at the site office by mail; the application deadline and procedure for this drawing will be publicly announced; hunting hours, based on Baldwin Lake's public use hours, will be posted at gate)\*

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area; season opens with teal season)

Marshall Fish and Wildlife Area \* @

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) @

Mississippi River Pools 16, 17 and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area \*

~~Sanganois--State--Fish--and--Wildlife--Area--\*--@~~

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Sparland Fish and Wildlife Area @

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area \*

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~~Union--County--Conservation--Area--(firing--line--and--controlled--hunting area)--\*~~

Woodford Fish and Wildlife Area \* @

c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (closed after regular duck season) \* @

Coffeen State Fish and Wildlife Area (hunting from legal hours to 9:00 a.m.; all hunters must sign out by 10:00 a.m.) \* #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit; season opens with teal season)

Ray Norbut State Fish and Wildlife Area \*

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) \* @

d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh \* @

Braidwood State Fish and Wildlife Area \*

Heidecke State Fish and Wildlife Area \*

Kankakee River State Park

Lake DePue Fish and Wildlife Area \*

Lake Sinissippi Fish and Wildlife Area

Newton Lake Fish and Wildlife Area \*

Pekin Lake Fish and Wildlife Area

Spring Lake Fish and Wildlife Area \*

Starved Rock State Park \*

e) The following sites will be opened to any goose hunting seasons that occur after the regular Canada goose hunting season:

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Clinton Lake State Recreation Area (season closes March 15)

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas) \*

Peabody River King State Fish and Wildlife Area (hunting must occur within 10 yards of a numbered stake; one hunting party (maximum 4 hunters) per stake; no permanent blinds; for the first 4 weeks after the regular Canada goose season, stakes will be allocated via a drawing at the Kaskaskia River State Fish and Wildlife Area office by mail; the application deadline and procedure for this drawing will be publicly announced; hunting hours, based on the site's hours, will be posted at gate) \*

Sanganois State Fish and Wildlife Area \* @

Sangchris Lake State Park \*

Stephen A. Forbes State Park \*

Snake Den Hollow \* @

Union County Conservation Area (firing line and controlled hunting area) \*

William W. Powers Conservation Area

f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area \*

Meredosia Lake (Cass County portion only, meandering waters only)

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

Shawnee Forest, Upper and Lower Bluff Lakes

g) The following sites will be open to any goose hunting seasons that occur before the regular duck season and after the regular Canada

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goose season:

Kidd Lake State Natural Area

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF NATURAL RESOURCES

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1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources

2) Code Citation: 17 Ill. Adm. Code 110

<u>Section Numbers:</u>	<u>Proposed Action:</u>
110.90	Amendment
110.95	New Section
110.120	Amendment
110.140	Amendment
110.160	Amendment

4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-230, 805-335 and 805-515].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add language regarding criteria which the Department may use to regulate and/or manage group activities on State sites; to establish permit requirements for any person or group to hold public demonstrations on State sites; add restrictions regarding use of electronic or electrical speakers and use of showers/restrooms by persons other than as gender designated; to further define the criteria whereby the Department may allow or deny requests to advertise on State sites; and to remove reference to an administrative rule which has been repealed.

6) Will this rulemaking replace any emergency amendment currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources

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524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER a: LANDS

## PART 110

PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE  
DEPARTMENT OF NATURAL RESOURCES

Section	
110.4	Fees and Charges
110.5	Unlawful Activities
110.20	Alcoholic Beverages -- Possession, Consumption, Influence
110.30	Animals -- Pets, Dogs, Cats -- Noisy, Vicious, Dangerous Animals -- Horses -- Livestock -- Animal Waste
110.40	Boats and Other Watercraft
110.45	Abandoned Watercraft
110.50	Capacity of Areas -- Usage Limitation
110.60	Camping -- Campfires
110.70	Destruction of Property -- Flora -- Fauna -- Man-Made and Inanimate Natural Objects -- Collection of Artifacts
110.90	Group Activity
110.95	Demonstrations
110.100	Littering
110.110	Prohibited Fishing Areas -- Cleaning of Fish
110.120	Restricted Areas
110.140	Soliciting/Advertising/Renting/Selling
110.150	Swimming/Wading/Diving
110.160	Vehicles -- Operation on Roadway -- Speed -- Parking -- Weight Limit
110.165	Bicycles -- Operation on Roadway -- Designated Trails
110.170	Weapons and Firearms -- Display and Use
110.175	Nudity Prohibited
110.180	Violation of Rule

**AUTHORITY:** Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

**SOURCE:** Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150

## DEPARTMENT OF NATURAL RESOURCES

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days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 110.90 Group Activity

For groups of more than 25 persons to use Department of Natural Resources facilities unless written permission is obtained in advance from the Site's Superintendent or site manager. Further, for groups of persons under the age of 18, it is required that at least one adult (age 18 years or older) accompany no more than 15 of these minor individuals. Groups of more than 25 persons may be denied permission to gather if it is determined by the Site Superintendent that the site's physical layout and infrastructure is not suitable for the group activity or may be detrimental to the public health and safety of other site visitors or the natural resources at the site. The Site Superintendent will evaluate the availability of parking, conflicts with other visitor uses, acreage, toilet facilities and suitable roadways in determining whether to grant permission for the requested group activity.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 110.95 Demonstrations

The holding or conducting of any public protest, demonstration, public meeting, gathering or parade to express opinions of governmental policies or practices and views on public issues on property owned or managed by the Department is prohibited unless a permit for such activity is issued by the Department.

a) A written request addressed to the Site Superintendent must be submitted at least 5 days in advance of the event. The written request shall state the name of the individual, organization, corporation, association, society, club, or group of whatever kind or nature seeking to use Department property. The request shall also list the names and addresses of all officers or leaders, the dates and times sought, equipment to be used, if any, and the estimated number of participants.

b) Any group seeking a permit for 100 or more participants shall guarantee one person per 25 participants identified as marshals who will be responsible for meeting the conditions of the permit, ensure the demonstration remains peaceful and orderly and the participants remain within the physical boundaries of the permit.

c) The Department may refuse to issue a permit for the intended activity if it is determined that the intended activity will:

1) create or cause a safety hazard to the participants or other visitors to the site or create a hazard to the natural resources

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- protected by the Department;
- 2) impede the performance of public business to be conducted in the area;
- 3) conflict in date, time, and place with a previously scheduled activity of another group; or
- 4) damage or threaten to damage physical property, cultural resources or other physical attributes of the site.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 110.120 Restricted Areas

- a) For any person to enter or remain in any area when such area has, in whole or in part, been closed to use by visitors. Site Superintendents and Law Enforcement Officers of the Department of Natural Resources, as well as other peace officers, are authorized to prohibit the use of such closed areas, and it shall be unlawful for any person to disobey the rules and regulations posted relative to such closed area.
- b) For any person to enter or remain on any portion of a dedicated nature preserve area where posted rules and regulations prohibit such entry to protect the natural fauna or flora within such area.
- c) For any person to operate a metal or mineral detection device, except that person may use hand carried devices on Department of Natural Resources properties that are not classified or zoned as State Historical, Archaeological, or Nature Preserve sites. In addition, persons must obtain a permit from the Department through the Site Superintendent, in advance, indicating the location where these devices shall be used. Further, only a small pen knife, ice-pick or screwdriver shall be used by permittee to recover any find in the area designated. After completing detection activity, the permittee must return the work area to its original state. No shovels, picks or trenching devices of any size shall be used.
- d) For any person to collect firewood or operate a chain saw or sound amplification system which would draw on the site's electrical system in any area which has been closed or posted to prohibit such use. Site Superintendents of the Department of Natural Resources shall prohibit such use in any area that does not allow the collecting of firewood, has experienced illegal cutting of timber or at which the noise will disturb other site users.
- e) For any person to use electronic or electrical speakers which emit sound into the use area of others at a volume which is disturbing or annoying to a reasonable person at a volume which emits sound beyond the immediate camp-or-picnic-site except as authorized by Department permit. The decision to grant or deny a permit will be based upon the reason for the request and time, date and type of activity, balanced against public enjoyment of the park.
- f) For any person to use shower buildings and/or restrooms other than as

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gender designated except those situations where parents or guardians may attend children or those with physical/mental challenges that need assistance.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 110.140 Soliciting/Advertising/Renting/Selling

- a) For any person to place signs or distribute advertising of any type on Department-owned or managed property except as provided in subsection (b) Section 110-140(b)-below.
- b) For any person to make or solicit sales or rentals of any kind or place signs or advertisements of any kind ~~solicit-sales-or-rentals-of any-kind-including-placing--signs--distributing--advertisement--in connection--with--these--sales--and/or-rentals~~ on Department owned property without first obtaining written permission from the Director or his/her designee or a Department permit, lease and/or license in writing in accordance with 17 Ill. Adm. Code 150 or in the case of lands managed by the Department without first obtaining a permit, lease, and/or license from the owner of the property and the approval of the Department.
- c) The Department shall only approve commercial signs, displays or advertisements that comply with the following guidelines (except as provided by contract with Department concessionaires):
- 1) all advertisements will be limited to an area designated by the site;
  - 2) maximum size of advertisement will be 8 1/2" X 12";
  - 3) advertisements shall not be posted for more than 30 consecutive days;
  - 4) vendor will be limited to one advertisement during the 30-day period. Posting will be on a first-come first-served basis; and
  - 5) advertisement cannot espouse any illegal act.
- d) Approval of advertising or displays on Department owned or managed property does not constitute endorsement of the advertised product, service, event or organization.
- e) Signs, placards, banners, displays or any other form of advertisement related to a demonstration or protest are regulated by permit in accordance with Section 110.95 of this Part.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 110.160 Vehicles -- Operation on Roadway -- Speed -- Parking -- Weight Limit

- a) For any person to operate any motor vehicle other than on roadways specifically posted as trafficways by the Department of Natural



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Resources, except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals or contractors to operate vehicles on other than roadways specifically posted as trafficways. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work site(s); access by volunteers to project or program areas which assist the site.

1) For any person to operate a snowmobile in any area other than on posted trails ~~as provided in 17-III-Adm-Code-2090~~ except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals to operate snowmobiles on other than posted trails. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work site(s); access by volunteers to project or program areas which assist the site.

2) For any person to operate any motor driven bicycle, mini-bike, motorcycle or off-road vehicle unless it is on a roadway designated for vehicular use or on a designated area established by the Department for off-road vehicular use, except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals to operate such vehicles on areas other than those designated for off-road vehicular use. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work site(s); access by volunteers to project or program areas which assist the site.

b) To exceed a speed of 20 M.P.H. unless it is otherwise posted by sign on any paved, concrete, asphalt or other all-weather roadway, or to exceed 10 M.P.H. unless otherwise posted by sign on any unpaved, gravel or dirt roadway or in any parking area.

c) For any person to park a motor vehicle in any prohibited area which is posted with signs, or to park a vehicle in any area for the purpose of repair, except those immediate repairs necessary to remove the vehicle from the area immediately.

d) To exceed a combined vehicle and content weight limit of 20,000 lbs. (10 ton) unless it is otherwise posted by sign on any Department roadway except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals or contractors to operate such vehicles on posted roadways. These exceptions will include, but not be limited to, access by lessees utilizing farm equipment to get to leased property or adjacent private property; access by contractors to the contract work site(s); access by vendors delivering materials.

e) It is unlawful for any person to operate a snowmobile in any portion of a park or recreation area with less than four inches of snow cover.

f) Except in cases of emergency, it shall be unlawful for any person to land or attempt to land any aircraft on Department property without

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## NOTICE OF PROPOSED AMENDMENTS

prior authorization from the Department.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Numbers: Proposed Action:  
510.210 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking increases the time frame during which a claimed horse may be sold or transferred.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? Yes
- Section Number Proposed Action Illinois Register Citation  
510.200 Amendment 24 Ill. Reg. 1818-2/4/00
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo  
Illinois Racing Board Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 814-5017

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: This

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

rulemaking was not included on either of the 2 most recent agendas because: This rulemaking is a result of requests from an organization licensee and horseman's group and thus was not anticipated by the Board.

The full text of the proposed amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

## PART 510

## CLAIMING RACES

Section	Definition
510.10	Claiming Eligibility
510.20	Form and Deposit of Claim
510.30	Errors which Invalidate Claim
510.40	Refund of Voided Claim
510.50	Prohibited Action with Respect to Claim
510.60	Horses under Lien
510.70	Affidavit May be Required
510.80	Claimant's Responsibility
510.90	Claimed Horse's Certificate
510.100	Engagements of a Claimed Horse
510.110	Protests of a Claim
510.120	Title to a Claimed Horse
510.130	Distribution of the Purse
510.140	Delivery of a Claimed Horse
510.150	Trainer Responsibility for Post-Race Tests
510.160	Excusing Claimed Horse
510.170	Stable Eliminated by Fire or Other Hazard
510.180	Entering Claimed Horse (Repealed)
510.190	Determining Eligibility Dates
510.195	Claimed Horse Racing Elsewhere
510.200	Sale of a Claimed Horse
510.210	Illinois Rules Govern Claimed Horse
510.220	Extension of Regular Meeting (Repealed)
510.230	Claiming Authorization
510.240	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997;

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 510.210 Sale of a Claimed Horse

No horse claimed in a claiming race shall be sold or transferred wholly or in part to anyone within 60 30 days after the day it was claimed, except in another claiming race.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Entries, Subscriptions, and Declarations

2) Code Citation: 11 Ill. Adm. Code 1413

3) Section Numbers: Proposed Action:  
1413.140 Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking removes restrictions on owners with respect to scratching from races where daily double and trifecta wagering is allowed.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other proposed amendments pending in this Part?

1413.48 Amendment 24 Ill. Reg. 1826 - 2/24/00

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 814-5017

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda in which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

rulemaking is a result of requests from the horseman's association.

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

## PART 1413

## ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section	
1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72-Hour Entries
1413.46	Also Eligibles Under 48- or 72-Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.114	Couples As Entry
1413.118	Further Definition of Coupling
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration
1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

1413.305 Transfer of Jockey Club Certificate

1413.310 Number of Races in a Day

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974 amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; added August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1413.140 Right to Declare Out

- a) In purse races and overnight handicaps with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the operator on the day of the race, such right to be determined by lot when necessary. However, in races constituting the Daily Double and on which trifecta-wagering is conducted, owners may declare out to 10 interests. Declarations below eight interests may only be made by permission of the stewards. The also eligibles shall have the preference to scratch over regularly carded horses.
- b) Permission to declare out to 10 shall also apply to a race which is moved from an original position on the card to a position which makes it one of the races constituting the Daily Double or on which trifecta-wagering is conducted.
- be) Horses may be scratched out of stake races not later than 45 minutes before post time of the race.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Telecommunications Excise Tax

2) Code Citation: 86 Ill. Adm. Code 495

3) Section Numbers:  
495.135  
495.140

Proposed Action:  
New Section  
New Section

4) Statutory Authority: 35 ILCS 630

5) A. Complete Description of the Subjects and Issues Involved: This rulemaking amends the Telecommunications Excise Tax regulations by adding Sections governing the imposition of the tax and the filing of returns.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte  
Associate Counsel  
Illinois Department of Revenue  
101 West Jefferson  
Springfield, IL 62794  
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Telecommunications retailers

B) Reporting, bookkeeping, or other procedures required for compliance:  
Minimal

C) Types of professional skills necessary for compliance: None

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 495  
TELECOMMUNICATIONS EXCISE TAX

Section	Meaning of "Gross Charges"
495.100	Exemptions
495.105	Retailers
495.110	Interstate
495.115	Mobile Operations Reporting Option
495.120	Responsibility for Accounting and Payment of Tax
495.125	Credits
495.130	Tax Returns--When Due--Contents
495.135	Imposition of Telecommunications Excise Tax
495.140	

**AUTHORITY:** Implementing the Telecommunications Excise Tax Act [35 ILCS 630] and authorized by Section 17 of the Telecommunications Excise Tax Act [35 ILCS 630/17].

**SOURCE:** Adopted at 14 Ill. Reg. 11321, effective July 1, 1990; amended at 21 Ill. Reg. 13658, effective September 29, 1997; amended at 22 Ill. Reg. 11886, effective July 1, 1998; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 495.135 Tax Returns--When Due--Contents****a) Monthly Returns**

On or before the 15th day of each calendar month, each retailer maintaining a place of business in this State shall make a return to the Department for the preceding calendar month, stating the following:

- 1) Retailer's name.
- 2) The address of the principal place of business, and the address of the principal place of business (if that is a different address) from which the retailer engages in the business of transmitting telecommunications.
- 3) Total amount of gross charges billed by the retailer during the preceding calendar month for providing telecommunications during such calendar month.
- 4) Total amount received by the retailer during the preceding calendar month on credit extended.
- 5) Deductions allowed by law.
- 6) Gross charges billed by the retailer during the preceding calendar month and upon the basis of which the tax is imposed.
- 7) Amount of tax (computed upon item 6).

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

**b) Quarterly Returns**

If the retailer's average monthly tax billings due to the Department do not exceed \$200, the Department may authorize the returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 15 of such year; with the return for April, May, and June of a given year being due by July 15 of such year; with the return for July, August, and September of a given year being due by October 15 of such year; and with the return for October, November, and December of a given year being due by January 15 of the following year. Such quarterly returns, as to form and substance, shall be subject to the same requirements as monthly returns.

**c) Annual Returns**

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax billings due to the Department do not exceed \$50, the Department may authorize the return to be filed on an annual basis, with the return for a given year being due by January 15 of the following year. Such annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

**d) Quarter Monthly Payments in Certain Instances**

Each retailer whose average monthly liability to the Department was \$10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which tax collection liability to the Department is incurred in an amount not less than the lower of either 22.5% of the retailer's actual tax collections for the month or 25% of the retailer's actual tax collections for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final liability of the retailer's return for that month. Any outstanding credit, approved by the Department, arising from the retailer's overpayment of its final liability for any month may be applied to reduce the amount of any subsequent quarter monthly payment or credited against the final liability of the retailer's return for any subsequent month. If any quarter monthly payment is not paid at the time or in the amount required by this Section, the retailer shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as the retailer has previously made payments for that month to the Department in excess of the minimum payments previously due.

**e) Direct Return by Taxpayer**

When a taxpayer does not pay the Telecommunications Excise Tax to a retailer, such taxpayer shall file a return with the Department and

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

pay the tax upon that portion of gross charges so paid to the retailer during the preceding calendar month by the 15th day of the month following that month. When a taxpayer pays the Telecommunications Excise Tax directly to the Department, the Department (upon request from the taxpayer) shall issue an appropriate receipt to the taxpayer showing that the taxpayer has paid the tax to the Department. The receipt shall be sufficient to relieve the taxpayer from further liability for the amount of tax to which the receipt may refer.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 495.140 Imposition of Telecommunications Excise Tax**

a) The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charge for such telecommunications purchased at retail from retailers.

b) The Telecommunications Excise Tax must be collected from a taxpayer by a "retailer maintaining a place of business in this State".

1) "Retailer maintaining a place of business in this State" means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State. (Section 2(m) of the Act)

2) Retailers maintaining a place of business in this State shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications in this State, when sold for use. Whenever possible, the tax shall be stated as a distinct item separate and apart from the gross charge for telecommunications.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Vehicle Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 151
- 3) Section Numbers: 151.101 Amend  
151.105 Amend
- 4) Statutory Authority: 625 ILCS 5/3-1001
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is a result of Public Act 88-194, which subjects gifts and transfers of motor vehicles to Vehicle Use Tax and provides that in the case of gifts and transfers without reasonable consideration, "selling price" shall be deemed to be the fair market value as determined by the Department.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:  

Gina Roccaforte  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, IL 62794  
(217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping, or other procedures required for compliance:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

Section  
151.101  
151.105  
151.110  
151.115

Nature of Vehicle Use Tax  
Basis and Rate of the Tax  
Title Application - Returns and Payment  
Nontaxable Transactions

AUTHORITY: Implementing and authorized by Section 3-1005 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/3-1005].

SOURCE: Adopted at 13 Ill. Reg. 14080, effective August 25, 1989; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 151.101 Nature of Vehicle Use Tax**

- a) The Vehicle Use Tax is a privilege tax imposed on the privilege of using, in this State, motor vehicles of the First and Second Divisions, motorcycles, motor driven cycles, and motorized pedalcycles.
- b) The tax applies to motor vehicles acquired by gift, transfer, or purchase, and having a year model designation preceding the year of application for title by 10 or fewer years on and after October 1, 1985, and prior to January 1, 1988. On and after January 1, 1988, the tax shall apply to all motor vehicles without regard to model year. Section 3-1001 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/3-1001]. (Ill-Rev-Stat--1987--ch--95--1/27--par--3-1001-7)

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 151.105 Basis and Rate of the Tax**

- a) Prior to January 1, 1988, the rate of tax shall be 5% of the selling price for each purchase of a motor vehicle.
- b) Except as hereinafter provided, beginning January 1, 1988, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is less than \$15,000:

NUMBER OF YEARS TRANSPIRED AFTER MODEL YEAR OF MOTOR VEHICLE	APPLICABLE TAX
1 OR LESS	\$390
2	290

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER 1: DEPARTMENT OF REVENUE

PART 151

VEHICLE USE TAX

Section  
151.101  
151.105  
151.110  
151.115

Nature of Vehicle Use Tax  
Basis and Rate of the Tax  
Title Application - Returns and Payment  
Nontaxable Transactions

AUTHORITY: Implementing and authorized by Section 3-1005 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/3-1005].

SOURCE: Adopted at 13 Ill. Reg. 14080, effective August 25, 1989; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 151.101 Nature of Vehicle Use Tax**

- a) The Vehicle Use Tax is a privilege tax imposed on the privilege of using, in this State, motor vehicles of the First and Second Divisions, motorcycles, motor driven cycles, and motorized pedalcycles.
- b) The tax applies to motor vehicles acquired by gift, transfer, or purchase, and having a year model designation preceding the year of application for title by 10 or fewer years on and after October 1, 1985, and prior to January 1, 1988. On and after January 1, 1988, the tax shall apply to all motor vehicles without regard to model year. Section 3-1001 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/3-1001]. (Ill-Rev-Stat--1987--ch--95--1/27--par--3-1001-7)

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 151.105 Basis and Rate of the Tax**

- a) Prior to January 1, 1988, the rate of tax shall be 5% of the selling price for each purchase of a motor vehicle.
- b) Except as hereinafter provided, beginning January 1, 1988, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is less than \$15,000:

NUMBER OF YEARS TRANSPIRED AFTER MODEL YEAR OF MOTOR VEHICLE	APPLICABLE TAX
1 OR LESS	\$390
2	290



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

3	215
4	165
5	115
6	90
7	80
8	65
9	50
10	40
OVER 10	25

c) Except as hereinafter provided, beginning January 1, 1988, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is \$15,000 or more:

SELLING PRICE	APPLICABLE TAX
\$15,000 - \$19,999	\$ 750
\$20,000 - \$24,999	\$1,000
\$25,000 - \$29,999	\$1,250
\$30,000 and over	\$1,500

d) Effective January 1, 1988, the tax rate shall be \$15 for each motor vehicle acquired in the following transactions:

- 1) When the transfer is a gift to a beneficiary in the administration of an estate;
  - 2) When a motor vehicle which has once been subjected to the Illinois retailers' occupation tax or use tax is transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business wherein the beneficial ownership is not changed;
  - 3) When the transferee or purchaser is the spouse, mother, father, brother, sister or child of the transferor. Section 3-1001 of the Illinois Vehicle Title & Registration Law.
- e) A claim that a transaction is taxable under subsection (c)(3) of this Section must be supported by a certification of family relationship. The certificate must be executed by the transferee and submitted at the time of filing the return. The certification must include the transferor's name and address, the transferee's name and address and a statement that describes the family relationship between them.
- f) For a transaction in which a motorcycle, motor driven cycle or motorized pedalcycle is acquired the tax rate shall be \$25. Section 3-1001 of the Illinois Vehicle Title & Registration Law.
- g) For a transaction in which an all terrain vehicle is acquired, the tax rate shall be \$25-00.
- h) For purposes of this Section, "selling price" means the consideration received for a motor vehicle subject to the tax imposed by this Section valued in money, whether received in money or otherwise, including cash, credits, service or property. In the case of gifts or

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

transfers without reasonable consideration, "selling price" shall be deemed to be the fair market value as determined by the Department.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.280  
Adopted Action: Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) Effective Date of Amendment: April 21, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposals Published in the Illinois Register: January 21, 2000 at 24 Ill. Reg. 916 and January 28, 2000 at 24 Ill. Reg. 1419
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version? As indicated above, two proposed rulemakings have been combined for this one adopted rulemaking. No text from either rulemaking was changed.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?  
No
- 14) Are there any proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Register Citation
310.Appendix A, Table J	Amend	24 Ill. Reg. 2508
310.280	Amend	24 Ill. Reg. 4292
310.280	Amend	24 Ill. Reg. 5802

15) Summary and Purpose of Amendments:

The Designated Rate updates to Section 310.280 are reflected as follows:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

In the Department of Commerce and Community Affairs, the annual salary for the Public Service Administrator position (37015-42-35-140-20-01) was increased from \$74,508 to \$79,728.

In the Department of Human Services, the annual salary for the Public Service Administrator position (37015-10-23-100-30-01) was increased from \$70,464 to \$73,632.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
(217) 782-5601

The full text of the adopted amendment begin on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
 POSITION CLASSIFICATIONS  
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
 PAY PLAN

## SUBPART A: NARRATIVE

Section  
 310.20 Policy and Responsibilities  
 310.30 Jurisdiction  
 310.40 Pay Schedules  
 310.50 Definitions  
 310.60 Conversion of Base Salary to Pay Period Units  
 310.70 Conversion of Base Salary to Daily or Hourly Equivalents  
 310.80 Increases in Pay  
 310.90 Decreases in Pay  
 310.100 Other Pay Provisions  
 310.110 Implementation of Pay Plan Changes for Fiscal Year 2000  
 310.120 Interpretation and Application of Pay Plan  
 310.130 Effective Date  
 310.140 Reinstitution of Within Grade Salary Increases (Repealed)  
 310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section  
 310.205 Introduction  
 310.210 Prevailing Rate  
 310.220 Negotiated Rate  
 310.230 Part-Time Daily or Hourly Special Services Rate  
 310.240 Hourly Rate  
 310.250 Member, Patient and Inmate Rate  
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

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Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18854, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 663,

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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

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22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020,

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effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000.

## SUBPART B: SCHEDULE OF RATES

## Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Economic Development Representative II  
(Pos. No. 12932-42-35-110-10-02) Annual Salary  
54,048

Private Secretary II  
(Pos. No. 34202-42-00-000-01-02) Annual Salary  
48,492

Public Information Officer IV  
(Pos. No. 37004-42-00-005-10-01) Annual Salary  
62,256

Public Service Administrator  
(Pos. No. 37015-42-35-140-20-01) Annual Salary  
79,728 ~~74,568~~

Department of Human Services

Medical Administrator I, Option D  
(Pos. No. 26401-10-79-006-00-21) Annual Salary  
142,368

Public Service Administrator  
(Pos. No. 37015-10-23-100-30-01) Annual Salary  
73,632 ~~76,464~~

Senior Public Service Administrator  
(Pos. No. 40070-10-65-000-00-01) Annual Salary  
105,475

Senior Public Service Administrator  
(Pos. No. 40070-10-81-920-00-21) Annual Salary  
105,480

Illinois State & Local Labor Relations Board

Private Secretary II  
(Pos. No. 34202-50-19-000-00-01) Annual Salary  
49,008

Department of Natural Resources

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Administrative Assistant II  
(Pos. No. 00502-12-30-000-20-01) Annual Salary  
50,520

Department of State Police

Senior Public Service Administrator  
(Pos. No. 40070-21-10-000-00-01) Annual Salary  
109,358

(Source: Amended at 24 Ill. Reg. 6874, effective April 21, 2000)



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1) Heading of the Part: Economic Development for a Growing Economy Program (EDGE)

2) Code Citation: 14 Ill. Adm. Code 527

3) Section Numbers:  
 527.10 Adoption Action:  
 New Section  
 527.20 New Section  
 527.30 New Section  
 527.40 New Section  
 527.50 New Section  
 527.60 New Section  
 527.70 New Section  
 527.80 New Section  
 527.90 New Section  
 527.100 New Section

4) Statutory Authority: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] (See Public Act 91-476).

5) Effective Date of Rules: April 19, 2000

6) Does this rule contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: Published at 23 Ill. Reg. 10615 on September 3, 1999.

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version:

1) Changed the Part name from "Economic Development Through a Growing Economy Program (EDGE)" to "Economic Development for a Growing Economy Program (EDGE)".

2) Changed definition of Credit to "...Applicant under the Act, but not to exceed the Incremental Payroll attributable to the Applicant's Project. [35 ILCS 10/5-15]".

3) Changed definition of Incremental Income Tax to "Incremental Income Tax" means the Incremental Payroll attributable to a Project that is

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the subject of an Agreement".

4) Added the following new definition :

"Incremental Payroll" means the total amount withheld by the Taxpayer during the taxable year from the compensation of New Employees and Retained Employees under Article 7 of the Illinois Income Tax Act [35 ILCS 5/Art.7] arising from such employees' employment at a Project that is the subject of an Agreement.

5) Added the following new definition:

"Professional Services" means a Taxpayer engaged in the practice of law or medicine.

6) Changed definition of Project to the following:

"Project" means a for-profit economic development activity or activities at a single site, or of one or more Taxpayers at multiple sites if the economic activities are vertically integrated.

7) Added the following new definition:

"Retained Employee" means:

- (a) a Full-time Employee employed by a Taxpayer;
- (b) during the term of the Agreement; and
- (c) whose job duties are directly and substantially-related to the "Project".

For purposes of this definition, "directly and substantially-related to the Project" means at least two-thirds of the employee's job duties must be directly related to the Project and the employee must devote at least two-thirds of his or her time to the Project.

The term "Retained Employee" does not include a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or indirect ownership interest of at least 5% in the profits, capital, or value of the taxpayer.

8) Added the following language to Section 527.30(c)(2):

- A) The Director may approve projects that do not meet the minimum job creation and investment thresholds specified in Section 527.30 (c)(1) for an applicant meeting all other requirements in the Act and this Part provided that one or more of the following conditions are met:

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- i) the applicant business is located in a distressed community with an unemployment rate which is higher than the State's average;
  - ii) the applicant business is located in an area with limited economic development prospects as evidenced by prior and current development activities;
  - iii) approval would support a business with potential to generate additional growth in the area and create jobs as a result of spin-off businesses; or
  - iv) approval would avert loss of one of the area's major sources of employment.
- B) The greater the impact on the economy of the area in which the applicant is located, the lower the amount of job creations and investment by the applicant that will be necessary for the Director to approve the application.

9) In Section 527.40(c)(6), changed "Section 527.10" to "Section 527.20".

10) Changed Section 527.50(b) to the following:

- b) The Department shall evaluate applications in accordance with the policies that have been adopted by the Business Investment Committee. In evaluating applications, the Department shall determine that all of the following conditions exist:

11) Changed Section 527.70(a) to the following:

*The Department shall determine the amount and duration of the Credit awarded under the Act. The duration of the Credit may not exceed 10 taxable years. [35 ILCS 10/5-45] In determining the amount of the Credit that may be awarded for a qualified Project, the Committee shall provide guidance to the Department through its formal adoption of policies. In determining the appropriate amount and duration of a Credit to be awarded to a Taxpayer, the Department shall act in accordance with the policies adopted by the Committee and shall take into consideration, the following additional factors:*

12) Changed Section 527.70(a)(2) to "2) The potential impact of the Project on the economy of Illinois."

13) Changed Section 527.70(c) to "The Credit shall not exceed the Incremental Payroll...."

14) Changed Section 527.80(a) to "...less than 10".

15) In Section 527.80(b), added "and Retained Employees" before "employed during the taxable year."

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16) Changed Section 527.80(c) to the following:

- c) *A requirement that the Taxpayer shall annually report to the Department the number of New Employees, Retained Employees, the Incremental Payroll withheld in connection with the New Employees and Retained Employees, and any other information the Department requires to ensure compliance with applicable law.*

17) Changed Section 527.80(g) to the following:

- g) *A provision that, if the total number of New Employees or Retained Employees falls below a specified level, the allowance of Credit shall be suspended until the number of New Employees or Retained Employees equals or exceeds the Agreement amount.*

18) In Section 527.90(c), added "the Project:" after "to, attestation by the Taxpayer that".

19) Changed Section 527.90(c)(1) to "...has achieved the level of Full-time New Employees and Retained Employees specified in the Agreement".

20) Deleted "The Project" from the beginning of Section 527.90(c)(2).

21) Changed Section 527.90(c)(2) to "...Illinois specified in the Agreement."

22) Deleted "The Project" from the beginning of Section 527.90(c)(3).

23) Changed Section 527.90(c)(3) to "...Illinois specified in the Agreement."

24) Deleted Section 527.110 Fees in its entirety.

Grammatical changes were also made at JCAR's suggestion.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement issued by JCAR? Yes

13) Will these rules replace emergency amendments currently in effect? No

14) Are there any rules pending on this Part? No

15) Summary and Purpose of Rules: This rulemaking will help the State to compete for the attraction of firms that offer good jobs for Illinois workers by offering those firms that meet the eligibility criteria a tax credit. Firms meeting the criteria would be eligible for an Economic Development for a Growing Economy (EDGE) tax credit for up to 10 years.

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TITLE 14: COMMERCE  
SUBTITLE C: ECONOMIC DEVELOPMENT  
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 527  
ECONOMIC DEVELOPMENT FOR A GROWING ECONOMY PROGRAM (EDGE)

Section	Purpose
527.10	Definitions
527.20	Eligibility Determination
527.30	Form of Application
527.40	Application Review
527.50	Application Denial/Approval
527.60	Determination of Amount and Term of the Credit
527.70	Tax Credit Agreement
527.80	Certificate of Verification
527.90	Noncompliance with the Agreement
527.100	

AUTHORITY: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] (see Public Act 91-476).

SOURCE: Emergency rules adopted at 23 Ill. Reg. 10862, effective August 16, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 6884, effective APR 19 2000.

Section 527.10 Purpose

The Department shall make Credit awards under the Act to foster job creation and retention in Illinois. [35 ILCS 10/5-15(a)(1)]

Section 527.20 Definitions

The following definitions are applicable to this Part.

"Act" means the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10].

"Agreement" means the Tax Credit Agreement created pursuant to 35 ILCS 10/5-50.

"Capital Improvements" shall include the purchase, renovation, rehabilitation, or construction of permanent tangible land, buildings, structures, equipment and furnishings in an approved project sited in Illinois and in expenditures for goods or services that are normally capitalized, including organizational costs and research and development costs incurred in Illinois. For land, buildings,

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16) Information and questions regarding these adopted rules shall be directed to:

Raya Bogard  
Administrative Code Rules Manager  
Illinois Department of Commerce and Community Affairs  
620 East Adams  
Springfield, IL 62701  
(217) 785-6285

The full text of the adopted rules begins on the next page:



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structures and equipment that are leased, the lease must equal or exceed the term of the Tax Credit Agreement and the cost of the property shall be determined from the present value, using the corporate interest rate prevailing at the time of the application, of the lease payments.

"Credit" means the amount agreed to between the Department and Applicant under the Act, but not to exceed the Incremental Payroll attributable to the Applicant's Project. [35 ILCS 10/5-15]

"Full-time Employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. [35 ILCS 10/5-5] Annually scheduled periods for inventory or repairs, vacations, holidays and paid time for sick leave, vacation or other leave shall be included in this computation of full time employment.

"Incremental Income Tax" means the Incremental Payroll attributable to a Project that is the subject of an Agreement.

"Incremental Payroll" means the total amount withheld by the Taxpayer during the taxable year from the compensation of New Employees and Retained Employees under Article 7 of the Illinois Income Tax Act [35 ILCS 5/Art. 7] arising from such employees' employment at a Project that is the subject of an Agreement.

"New Employee" means a Full-time Employee first employed by a Taxpayer in the project that is the subject of an Agreement and who is hired after the Taxpayer enters into the Tax Credit Agreement.

The term "New Employee" does not include:

an employee of the Taxpayer who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;

an employee of the Taxpayer who was previously employed in Illinois by a Related Member of the Taxpayer and whose employment was shifted to the Taxpayer after the Taxpayer entered into the Tax Credit Agreement;

an employee of the Taxpayer who was previously employed in Illinois by the Taxpayer and whose employment was shifted to the Taxpayer Project after the Taxpayer entered into the Tax Credit Agreement; or

a child, grandchild, parent, or spouse, other than a spouse

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who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the Taxpayer.

An employee may be considered a New Employee under the Agreement if the employee performs a job that was previously performed by an employee who was treated under the Agreement as a New Employee and promoted by the Taxpayer to another job. [35 ILCS 10/5-5]

An employee shall be considered a New Employee under the Agreement if the employee fills a job vacancy that had been continuously vacant for the 184 day period immediately preceding the date of the Agreement. A job vacancy whose incumbent is on approved leave, is locked out or is on strike is not a vacancy.

"Placed in Service" means the state or condition of readiness and availability for a specifically assigned function.

"Professional Services" means a Taxpayer engaged in the practice of law or medicine.

"Project" means a for-profit economic development activity or activities at a single site, or of one or more taxpayers at multiple sites if the economic activities are vertically integrated.

"Project Costs" includes cost of the Project incurred or to be incurred by the Taxpayer including: capital investment, including, but not limited to, equipment, buildings, or land; infrastructure development; debt service, except refinancing of current debt; research and development; job training and education; lease costs or relocation costs, but excludes the value of State incentives, including discretionary tax credits, discretionary job training grants, or the interest savings of below market rate loans. [35 ILCS 10/5-30]

"Retained Employee" means a Full-time Employee employed by a Taxpayer during the term of the agreement whose job duties are directly and substantially-related to the Project. For purposes of this definition, "directly and substantially-related to the Project" means at least two-thirds of the employee's job duties must be directly related to the Project and the employee must devote at least two-thirds of his or her time to the Project. The term "Retained Employee" does not include a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has direct or indirect ownership interest of at least 5% in the profits, capital, or value of the Taxpayer.

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*"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois Income Tax liability. [35 ILCS 10/5-5]*

**Section 527.30 Eligibility Determination**

a) Any Taxpayer that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, retail food, health, or professional services is an Eligible Business.

b) A Taxpayer who is operating an Eligible Business that is located, or plans to be located, in the State of Illinois may be an "Applicant." Applicant does not include a Taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State.

1) This does not prohibit a Taxpayer from expanding its operations at another location in the State, provided that existing operations of a similar nature located within the State are not closed or substantially reduced within the last two years. For the purpose of this Section, "substantially reduced" means a reduction in employment of 33.33% or more.

2) This also does not prohibit a Taxpayer from moving its operations from one location in the State to another location in the State for the purpose of expanding the operation, provided that the Department determines that the expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located. A determination under this subsection (b)(2) shall be made by the Department after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county. [35 ILCS 10/5-15]

c) In order to qualify for Credits under the Act, an Applicant's Project must:

- 1) involve an investment of at least \$5,000,000 in capital improvements to be placed in service and employ at least 25 New Employees within the State as a direct result of the Project; or
- 2) involve an investment at a level specified by the Department in capital improvements to be placed in service; employ New Employees within the State at a level specified by the Department; and provide a substantial economic benefit to the State [35 ILCS 10/5-20], as determined by the Department.

A) The Director may approve projects that do not meet the minimum job creation and investment thresholds specified in Section 527.30(c)(1) for an applicant meeting all other

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requirements in the Act and this Part provided that one or more of the following conditions are met:

- i) the applicant business is located in a distressed community with an unemployment rate that is higher than the State's average;
- ii) the applicant business is located in an area with limited economic development prospects as evidenced by prior and current development activities;
- iii) approval would support a business with potential to generate additional growth in the area and create jobs as a result of spin-off businesses; or
- iv) approval would avert loss of one of the area's major sources of employment.

B) The greater the impact on the economy of the area in which the applicant is located, the lower the amount of job creations and investment by the applicant that will be necessary for the Director to approve the application.

d) The Applicant must demonstrate that if not for the Credit the Project would not occur in Illinois by providing documentation evidencing that:

- 1) the Applicant has multi-state location options and could reasonably and efficiently locate outside of the State; or
  - 2) at least one other state is being considered for the Project; or
  - 3) receipt of the Credit is a major factor in the Applicant's decision and that, without the Credit, the Applicant likely would not create new jobs in Illinois; or
  - 4) the Credit is essential to the Applicant's decision to create or retain new jobs in the State.
- e) Identify a cost differential, using best available data, in the projected costs for the Applicant's Project compared to the costs in the competing state, including the impact of the competing state's incentive programs [35 ILCS 10/5-25], for example, by demonstrating:
- 1) specific costs of labor, utilities, taxes and other costs of an out-of-state site or the industry's cost structure in the competing region; or
  - 2) specific cost differential due to the impact of a competing state's incentive programs.

**Section 527.40 Form of Application**

a) Applications will be accepted at any time during the year. The Department will provide interested Applicants with an application package upon request. Submittal of an application does not commit the Department to award assistance or to pay any costs, including the application fee, incurred by the Applicant in the preparation of an application.

b) Any Taxpayer proposing a Project located or planned to be located in Illinois may request consideration of its Project, by application to

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the Department, in which the Applicant states its intent to make at least a specified level of investment and intends to hire or retain a specified number of full-time employees at a designated location in Illinois. [35 ILCS 10/5-20(a)]

c) Written applications will be required and must be submitted on the standard application form provided by the Department. Applications shall be submitted to the Department office location identified on the application. The application shall include:

- 1) Application Cover Page - containing name, address, and telephone number of applicant; key contact and title; total number of new employees to be hired; company Federal Employer Identification Number (F.E.I.N.); Standard Industrial Code (S.I.C.); if available, Illinois Unemployment Insurance Account Code; State Senate District number; State Representative District number; authorized signatures; and related information.
- 2) Project Summary - a detailed description of the Project that is to be the subject of the Agreement. [35 ILCS 10/5-50(1)]
- 3) Site Map - an outline of the general location of the Project on a site map, including the location of any flood plain areas and wetland areas.
- 4) Jobs Impact - a detailed description of the number of New Employees to be hired and the occupation and payroll of the full-time jobs to be created [35 ILCS 10/5-50(9)] as a result of the Project, and a schedule of anticipated starting dates of the new hires.
- 5) Capital Improvements Planned - a detailed description of the investment the Taxpayer will make in Capital Improvements, and the designated location in Illinois for the investment. [35 ILCS 10/5-50(10)] This shall include but not be limited to a description (or specifications or lists) of the planned Capital Improvements demonstrating the investment is qualified; documentation to substantiate the value of the investment (value of Capital Improvements as provided by appraisers, vendors, contractors and/or architects and engineers); and a schedule regarding when the eligible investment will be placed in service.
- 6) Total Project Costs - a detailed description of total Project Cost as defined in Section 527.20.
- 7) Competitive Requirements of the Project - evidence supplied by the Applicant demonstrating that, if not for the Credit, the Project would not occur in Illinois, which may be demonstrated by any means, including, but not limited to:
  - A) evidence the Applicant has multi-state location options and could reasonably and efficiently locate outside of the State, for example, documentation indicating firm interest in alternative non-Illinois locations, such as a prospective offer or letter; or
  - B) demonstration that at least one other state is being considered for the Project, for example, disclosure of sites

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of out-of-state location options that would receive the proposed investment and job creation in the event the business is not designated, which may include documentation such as incentive letters or prospective offers from other states; or

- C) evidence the receipt of the Credit is a major factor in the Applicant's decision and that, without the Credit, the Applicant likely would not create new jobs in Illinois, for example, an affidavit signed by the Applicant stating that the Credit is a precondition to the Applicant's decision to create new jobs in the State; or
- D) demonstration that receiving the Credit is essential to the Applicant's decision to create or retain new jobs in the State [35 ILCS 10/5-25(b)], for example, an affidavit signed by the Applicant stating that without the Credit the Applicant would not be inclined to create new jobs in the State.
- 8) Cost Differential - documentation of a cost differential of alternative out-of-state sites, such as written information on non-Illinois sites under consideration, comparison of industry costs in other states, cost/benefit analyses of moving or closing the business, financial statements, internal memoranda, or any other financial documentation evidencing cost differential.
- 9) Financial Statement - a balance sheet and a profit and loss statement of the Taxpayer for the last two years.
- 10) Other Provisions - any other provisions or information the Department determines is necessary to facilitate the Department's evaluation of the application.
  - d) The Applicant is responsible for the accuracy of all data, information and documentation included in its application. Once submitted, applications shall become the property of the Department.
  - e) Applications will not be evaluated unless the application fee has been included.
  - f) Any documentary materials or data made available or received by any member of a Business Investment Committee ("Committee") of the Illinois Economic Development Board or any agent or employee of the Department shall be deemed confidential and shall not be deemed public records to the extent that the materials or data consist of trade secrets, commercial or financial information regarding the operation of the business conducted by the Applicant for, or recipient of, any Tax Credit under the Act, or any information regarding the competitive position of a business in a particular field of endeavor. [35 ILCS 10/5-90(a)]

## Section 527.50 Application Review

- a) Prior to substantive evaluation of an application, the Department shall screen all applications to determine that all requirements of



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b) the application package have been addressed. Applicants will be notified of deficiencies in applications and given an opportunity to correct those deficiencies through submission of additional documentation.

The Department shall evaluate applications in accordance with the policies that have been adopted by the Business Investment Committee. In evaluating applications, the Department shall determine that all of the following conditions exist:

- 1) the Applicant's Project intends to make the required investment in the State and intends to hire the required number of New Employees in Illinois as a result of that Project.
- 2) the Applicant's Project is economically sound and will benefit the people of the State of Illinois by increasing opportunities for employment and strengthen the economy of Illinois.
- 3) that, if not for the Credit, the Project would not occur in Illinois, which may be demonstrated by any means, including, but not limited to, evidence the Applicant has multi-state location options and could reasonably and efficiently locate outside of the State, or demonstration that at least one other state is being considered for the Project, or evidence the receipt of the Credit is a major factor in the Applicant's decision and that, without the Credit, the Applicant likely would not create new jobs in Illinois, or demonstration that receiving the Credit is essential to the Applicant's decision to create or retain new jobs in the State.
- 4) a cost differential is identified, using best available data, in the projected costs for the Applicant's Project compared to the costs in the competing state, including the impact of the competing state's incentive programs. The competing state's incentive programs shall include state, local, private, and federal funds available.
- 5) the political subdivisions affected by the Project have committed local incentives with respect to the Project, considering local ability to assist.
- 6) awarding the Credit will result in an overall positive fiscal impact to the State, as certified by the Committee, using the best available data. [35 ILCS 10/5-25(b)]
- 7) if appropriate, an Applicant that has moved its operations from one political subdivision in the State to another political subdivision (and that has been determined by the Department to be an eligible Applicant) has demonstrated that it is not claiming a tax credit with respect to any jobs that the Taxpayer relocates from one site in Illinois to another site in Illinois.
- c) The Department reserves the right to request the Committee to convene, make inquiries, and conduct studies in the manner and by the methods it deems desirable, and review information with respect to Applicants, and make recommendations on Projects to benefit the State. Recommendations that an Applicant's application for Credit should or

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should not be accepted shall occur within a reasonable time frame as determined by the nature of the application. [35 ILCS 10/5-25(b)]

## Section 527.60 Application Denial/Approval

- a) Applicants shall be notified in writing as to the Department's evaluation of all completed applications. If the Department denies an application for the Credit, it will specify the reasons for the denial in writing and allow the Applicant 30 days to amend and resubmit its application for evaluation. If the Applicant disagrees with the Department's decision it may seek relief through the process afforded in the Department's Administrative Hearing Rules set forth at 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- b) The Department will negotiate a formal Agreement with Applicants determined to be eligible for the award of a Credit. For tax years beginning on or after January 1, 1999, a Taxpayer who has entered an Agreement under the Economic Development for a Growing Economy Tax Credit Act is entitled to a credit against the taxes imposed under Section 201(a) and (b) of the Illinois Income Tax Act [35 ILCS 5/201(a) and (b)] in an amount to be determined in the Agreement. [35 ILCS 5/211]

## Section 527.70 Determination of Amount and Term of the Credit

- a) The Department shall determine the amount and duration of the Credit awarded under the Act. The duration of the Credit may not exceed 10 taxable years. [35 ILCS 10/5-45] In determining the amount of the Credit that may be awarded for a qualified Project, the Committee shall provide guidance to the Department through its formal adoption of policies. In determining the appropriate amount and duration of a Credit to be awarded to a Taxpayer, the Department shall act in accordance with the policies adopted by the Committee and shall take into consideration the following additional factors:

- 1) The number and location of jobs created and retained in relation to the economy of the county where the projected investment is to occur.
- 2) The potential impact of the Project on the economy of Illinois.
- 3) The magnitude of the cost differential between Illinois and the competing states.
- 4) The incremental payroll attributable to the Project.
- 5) The capital investment attributable to the Project.
- 6) The amount of the average wage and benefits paid by the Applicant in relation to the wage and benefits of the area of the Project.
- 7) The costs to Illinois and the affected political subdivisions with respect to the Project.
- 8) The financial assistance that is otherwise provided by Illinois and the affected political subdivisions. [35 ILCS 10/5-40]
- b) The Credit may be stated as a percentage of the Incremental Income Tax

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- attributable to the Applicant's Project and may include a fixed limitation. [35 ILCS 10/5-45]
- c) The Credit shall not exceed the Incremental Payroll attributable to the Project that is the subject of an Agreement. [35 ILCS 10/5-15(d)]
  - d) The total amount of the Credit allowed during all tax years may not exceed the aggregate amount of costs incurred by the Taxpayer during all prior tax years to the extent provided in the Agreement of Project Costs. [35 ILCS 10/5-30]

**Section 527.80 Tax Credit Agreement**

The Department and each Taxpayer whom the Department determines qualifies for a Credit under the Act shall enter into an Agreement that specifies terms and conditions regarding the provision of the Credit and defines the rights and responsibilities of the Taxpayer and the Department. Provisions that the Taxpayer will be contractually bound to comply with include, but are not limited to, the following:

- a) A requirement that the Taxpayer shall maintain operations at the Project location that shall be stated as a minimum number of years less than 10.
- b) A specific method for determining the number of New Employees and Retained Employees employed during a taxable year.
- c) A requirement that the Taxpayer shall annually report to the Department the number of New Employees and Retained Employees, the Incremental Payroll withheld in connection with the New Employees and Retained Employees, and any other information the Department requires to ensure compliance with applicable law.
- d) A requirement that the Department is authorized to verify with the appropriate State agencies information required to be reported by the Taxpayer.
- e) A requirement that the Taxpayer shall provide written notification to the Department not more than 30 days after the Taxpayer makes or receives a proposal that would transfer the Taxpayer's State tax liability obligations to a successor Taxpayer.
- f) A requirement that the Taxpayer shall provide written notification to the Department not more than 30 days after the Taxpayer determines that the minimum job creation or retention, employment payroll, or investment no longer is being or will be achieved or maintained as set forth in the terms and conditions of the Agreement.
- g) A provision that, if the total number of New Employees and Retained Employees falls below a specified level, the allowance of Credit shall be suspended until the number of New Employees and Retained Employees equals or exceeds the Agreement amount. [35 ILCS 10/5-50]
- h) Any other provisions that the Department determines are necessary to comply with the Act and other applicable State laws and administrative rules.

**Section 527.90 Certificate of Verification**

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- a) The Taxpayer shall notify the Department on forms provided by the Department when the minimum eligible capital improvement investments have been placed in service and the minimum New Employee jobs have been created.
- b) The Taxpayer shall provide, for land and/or building acquisition, a copy of the purchase agreement; for building construction or renovation, a contractor's or architect's cost certification; for space rental, a rental/lease agreement.
- c) For a Taxpayer to be eligible for a certificate of verification, the Taxpayer shall provide proof as required by the Department prior to the end of each calendar year, including, but not limited to, attestation by the Taxpayer that the Project:
  - 1) has achieved the level of Full-time New Employees and Retained Employees specified in the Agreement.
  - 2) has achieved the level of annual payroll in Illinois specified in the Agreement.
  - 3) has achieved the level of capital investment in Illinois specified in the Agreement.
- d) Upon receipt of valid proof from the Taxpayer, the Department shall provide the Taxpayer with a Certificate of Verification.
- e) A Taxpayer claiming a Credit under the Act shall submit to the Department of Revenue a copy of the Director's certificate of verification under the Act for the taxable year. However, failure to submit a copy of the certificate with the Taxpayer's tax return shall not invalidate a claim for a Credit. [35 ILCS 10/5-55]

**Section 527.100 Noncompliance with the Agreement**

- a) If the Department determines that a Taxpayer who has received a Credit under the Act is not complying with the requirements of the Agreement or all of the provisions of the Act, the Director shall provide notice to the Taxpayer of the alleged noncompliance, and allow the Taxpayer a hearing under the provisions of the Illinois Administrative Procedure Act [5 ILCS 100]. If, after notice and any hearing, the Director determines that a noncompliance exists, the Director shall issue to the Department of Revenue notice to that effect, stating the Noncompliance Date. [35 ILCS 10/5-65] Alleged noncompliance shall include:
  - 1) demonstration that the Taxpayer would have placed in service the capital investment and created or retained the requisite number of New Employee jobs without the benefits of certification. Proof of this shall include, but is not limited to, correspondence, financial plans and prospectuses, internal memoranda and other written documentation demonstrating the Taxpayer would have taken the actions without the designation.
  - 2) demonstration that the Taxpayer failed materially to comply with the terms and conditions of the Agreement.
  - 3) a determination upon investigation that the business falsified

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application information in violation of 14 Ill. Adm. Code 520.730(f).

- b) The Department shall notify a Taxpayer in writing that it is subject to revocation. Such notice shall include the reason for revocation and the date and location of a hearing to be held pursuant to 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- c) Following revocation the Department will contact the Director of the Illinois Department of Revenue who shall begin proceedings to recover wrongfully exempted State taxes.

- 1) Heading of the Part: Day Labor Services Act

- 2) Code Citation: 56 Ill. Adm. Code 260

- 3) Section Numbers: Adopted Action:

260.100	New Section
260.200	New Section
260.210	New Section
260.220	New Section
260.230	New Section
260.300	New Section
260.310	New Section
260.320	New Section

- 4) Statutory Authority: Implementing and authorized by Section 45 of the Day Labor Services Act [20 ILCS 175/45].

- 5) Effective Date of Rules: April 17, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these rules contain incorporations by reference? No

- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 13769 (Nov. 19, 1999)

- 10) Has JCAR Issued a Statement of Objection to these rules? No

- 11) Differences Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will these rules replace emergency amendments currently in effect? No

- 14) Are there any other rules pending on this Part? No

- 15) Summary and Purpose of Rules: The rulemaking implements Section 45 of the Day Labor Services Act, a provision requiring the Department of Labor to adopt rules for: (1) registering day labor service agencies; and (2) addressing violations of the Act.

- 16) Information and questions regarding these adopted amendments shall be



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directed to:

William Rolando, Deputy Director  
Illinois Department of Labor  
One West Old State Capitol Plaza, Room 300  
Springfield, Illinois 62701  
(217) 782-1704 (telephone)  
(217) 782-0596 (telex)

The full text of the adopted rules begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

## PART 260

## DAY LABOR SERVICES ACT

## SUBPART A: GENERAL PROVISIONS

Section  
260.100 Definitions

## SUBPART B: REGISTRATION PROCESS

Section  
260.200 Registration  
260.210 Content of Application to Register  
260.220 Expiration and Renewal of Registration  
260.230 Registration Fee

## SUBPART C: SUSPENSION OR REVOCATION OF REGISTRATION

Section  
260.300 Suspension or Revocation  
260.310 Hearings  
260.320 Considerations in Reaching a Decision

AUTHORITY: Implementing and authorized by Section 45 of the Day Labor Services Act [820 ILCS 175/45].

SOURCE: Adopted at 24 Ill. Reg. 6901 effective  
APR 17 2000

## SUBPART A: GENERAL PROVISIONS

## Section 260.100 Definitions

"Act" means the Day Labor Services Act [820 ILCS 175].

"Day" means a calendar day.

"Day Laborer" means a natural person who contracts for employment with a day labor service agency.

"Day Labor" means labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day labor

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*service agency or the third party employer for work undertaken by day laborers pursuant to a contract between the day labor service agency and the third party employer. "Day labor" does not include labor or employment of a professional or clerical nature.*

*"Day Labor Service Agency" means any person or entity engaged in the business of employing day laborers to provide services to or for any third party employer pursuant to a contract with the day labor service and the third party employer.*

*"Department" means the Illinois Department of Labor.*

*"Third Party Employer" means any person that contracts with a day labor service agency for the employment of day laborers. [820 ILCS 175/5]*

## SUBPART B: REGISTRATION PROCESS

**Section 260.200 Registration**

- a) No person or entity shall employ day laborers to provide services to or for any third party employer pursuant to a contract with itself and the third party employer unless that person or entity has obtained a non-transferable certificate from the Department evidencing the person or entity is registered with the Department.
- b) A day labor service agency must register each location with the Department from which it will be operated unless the agency is owned and managed by the same individual, firm, corporation, partnership or other legal entity.
- c) A day labor service agency shall keep, and prominently display, the certificate of registration at each location where it operates.
- d) A person or entity that is licensed as a private employment agency must also register with the Department as a day labor service agency if it engages in the business of employing day laborers to provide services to or for any third party employer pursuant to a contract with the person or entity and the third party employer.
- e) A person or entity must register as a day labor service agency with the Department when, on an isolated or incidental basis, it employs persons to provide professional or clerical services to or for any third party employer pursuant to a contract with the person or entity and the third party employer, in addition to its primary business of employing day laborers to provide services to or for any third party employer pursuant to a contract with the person or entity and the third party employer.
- f) In the case of a day labor service agency that operates both day labor locations and separate locations providing professional, clerical or other non-day labor services, the requirements of subsections (c) and (d) of this Section shall apply only to the agency's day labor

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locations.

**Section 260.210 Content of Application to Register**

An application to register a day labor service agency, and an application for registration renewal, shall be made on a form provided by the Department. The application shall contain but is not limited to the following:

- a) The name, address, federal employer identification number, and telephone number of the applicant, including the trade and/or assumed name by which the applicant does business;
- b) If the applicant is a corporation, a copy of its articles of incorporation, a copy of its current bylaws and the names and addresses of its officers and directors and the names and addresses of shareholders owning more than 5% of the corporation's stock shall be provided for the initial registration. Application for registration renewal shall contain any amendments to the articles of incorporation and bylaws, the names and addresses of any new officers and directors, and the names and addresses of any new shareholders owning more than 5% of the corporation's stock;
- c) If the applicant is a partnership, the names, business or personal addresses, and telephone numbers of all partners. Application for registration renewal shall contain the names, business or personal addresses, and telephone numbers of all new partners;
- d) The name, address, federal employer identification number, and telephone number of the registered agent for the place of business, including the position held by that person or entity with the applicant. Application for registration renewal shall contain the name, address, federal employer identification number, and telephone number of any new registered agent for the place of business, including the position held by that person or entity with the day labor service agency;
- e) The name and locations of premises from which the day labor service agency will provide services. Application for renewal shall contain any new name and locations of premises from which the day labor service agency will provide services;
- f) The name and address of the person under whose management or supervision the day labor service agency will be operated. Application for registration renewal shall include the name and address of any new person under whose management or supervision the day labor service agency will be operated;
- g) Evidence of compliance or intent to comply with the Illinois Wage Payment and Collection Act [820 ILCS 115];
- h) Certification that the applicant, if an individual, is 18 years of age or older;
- i) An oath or affirmation certifying that all information contained within, and attached to, the application is true and complete; and
- j) The notarized signature of the individual submitting the application.

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**Section 260.220 Expiration and Renewal of Registration**

- a) Registration of a day labor service agency shall be for a term of one year and shall expire one year from the registration date unless the Department revokes or suspends the registration sooner. A period of suspension does not extend the registration for any period of time.
- b) A day labor service agency must apply for renewal at least 90 days prior to the expiration of its registration with the Department.

**Section 260.230 Registration Fee**

- a) The initial application to register a day labor service agency must be accompanied by a \$250 fee.
- b) The application for renewal of registration must be accompanied by a \$250 fee.
- c) The fee to initially apply for, or renew, a registration shall be paid by certified check, cashier's check or money order made payable to the Illinois Department of Labor.
- d) The fee to initially apply for, or renew, a registration is not refundable.

## SUBPART C: SUSPENSION OR REVOCATION OF REGISTRATION

**Section 260.300 Suspension or Revocation**

The registration of a day labor service agency with the Department shall be suspended or revoked for, but not limited to, any of the following reasons:

- a) A violation of, or failure to comply with, any provision of the Act or of this Part;
- b) Knowingly making any misrepresentation or false statement in connection with an application for, or renewal of, a registration of a day labor service agency with the Department; or
- c) For any conduct or practice found, as a result of an administrative hearing, to be detrimental to public health and safety.

**Section 260.310 Hearings**

- a) Before suspending or revoking a registration of a day labor service agency, the Department shall notify the person or entity in writing by certified mail, setting forth the particular reason for the proposed action and fixing a date, not less than 14 days from the date of the mailing, at which time the day labor service agency shall be given an opportunity for a hearing.
- b) Hearings conducted under this Part are formal in nature and shall be convened pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 68 Ill. Adm. Code 680.230.

**Section 260.320 Considerations in Reaching a Decision**

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED RULES

In deciding whether the findings warrant a determination to suspend or revoke a registration of a day labor service agency, the Department shall consider the following factors:

- a) Whether the conduct violates the intent and purpose of the Act and/or this Part, and was not merely a technical, non-substantive error;
- b) Whether the day labor service agency has taken steps to correct the noted violations;
- c) Whether the same or similar violations relating to the same conditions or occurrences have been included in previous reports and the day labor service agency has allowed the condition or occurrence to continue or to recur; and
- d) Whether the violations could pose any direct or potential threat or harm to public health and safety.



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow
- 2) Code Citation: 17 Ill. Adm. Code 670
- 3) Section Numbers:  
670.60 Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].
- 5) Effective Date of Amendments: April 20, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 14, 2000, 24 Ill. Reg. 446
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:  
  
Section 670.60(g) - Beall Woods and Goose Lake and 670.60(i) - Sangchris Lake -- changed "antlerless" to "antlerless"  
  
Section 670.60(g) added:  
  
Mazonia/Braidwood State Fish and Wildlife Area (archery hunting will be publicly announced)  
  
Section 670.60(i) added:  
  
Matthiessen Dells State Park (antlerless deer only; closed during the special site firearm deer seasons and open during the statewide firearm deer seasons) (2)  
  
Section 670.60(j) - Wayne Fitzgerald - added "; bowhunting by site issued permit; application procedure to be announced" following "site"  
  
12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part open and close State-owned or - managed sites.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield IL 62701-1787  
217/782-1809

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 670

## WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section	
670.10	Statewide Open Seasons and Counties
670.20	Statewide Deer Permit Requirements
670.21	Deer Permit Requirements - Landowner/Tenant Permits
670.30	Statewide Legal Bow and Arrow
670.40	Statewide Deer Hunting Rules
670.50	Rejection of Application/Revocation of Permits
670.55	Reporting Harvest
670.60	Regulations at Various Department-Owned or -Managed Sites

**AUTHORITY:** Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

**SOURCE:** Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective APR 20 2000.

## Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

## restrictive.

- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1).
- c) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- d) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- g) Statewide regulations shall apply at the following sites:

## Argyle Lake State Recreation Area (2)

- \* Anderson Lake Fish and Wildlife Area (2)

## Apple River Canyon State Park (2)

- \* Banner Marsh Fish and Wildlife Area (2)

Beall Woods State Park (antlerless antlerless deer only; hunting hours legal opening until 10:00 a.m.; check out by 11:00 a.m.) (1) (2)

- \* Big Bend State Fish and Wildlife Area (1) (2)

## Big River State Forest (2)

## Cache River State Natural Area (1) (2)

## Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area is closed seven days prior to and during the regular waterfowl season)

## Castle Rock State Park (1) (2)

## Crawford County Conservation Area (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

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Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Dixon Springs State Park (1) (2)

Dog Island Wildlife Management Area (1) (2)

\* Eldon Hazlet State Park (north of Allen Branch and West of Peppenhorse Branch only) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (1) (2)

Fort Massac State Park (1) (2)

\* Franklin Creek State Park (2)

Giant City State Park (1) (2)

Goose Lake Prairie State Park (tree stands not allowed; "Texas" type tripod stands allowed; antlerless **antlerless** deer only) (2) (3)

Green River State Wildlife Area (1) (2)

Heidecke State Fish and Wildlife Area (2) (3) (5)

Horseshoe Lake Conservation Area - Alexander County (Controlled Goose Hunting Area - open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

I-24 Wildlife Management Area (1) (2)

\* Jubilee College State Park (2) (4)

Kaskaskia River Fish and Wildlife Area (1) (2) (except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Lowden-Miller State Forest (1) (2) (4)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Mackinaw River Fish and Wildlife Area (1) (2)

Marseilles Wildlife Area (closed Friday, Saturday, and Sunday in October) (1) (2)

Marshall Fish and Wildlife Area (2)

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

Mazonia/Braidwood State Fish and Wildlife Area (archery hunting will be publicly announced)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

\* Mt. Vernon Propagation Center (1) (2)

Oakford Conservation Area

Panther Creek Conservation Area (1) (2) (4)

\* Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1) (2)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (2)

Pyramid State Park (1) (2)

\* Randolph County Conservation Area (1) (2)

Ray Norbut Conservation Area (2)

\* Red Hills State Park (1) (2)

Rend Lake State Fish and Wildlife Area (1)

Rice Lake Fish and Wildlife Area (2)

Saline County Fish and Wildlife Area (1) (2)

\* Sam Parr State Park (1) (2)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Sangamon County Conservation Area

Sanganois State Wildlife Area (1)

\* Shabbona Lake State Park (2)

Siloam Springs State Park (1) (2) (4)

\* Silver Springs State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Controlled Goose Hunting Area - open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing) (1) (2)

Walnut Point Fish and Wildlife Area (1)

\* Washington County Conservation Area (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens October 15)(2)

h) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park

Burriss Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)

Horseshoe Lake State Park (Madison County) (hunting in designated areas only; hunting will close at end of regular duck season) (1) (2)

Momoncme Wetland

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Pere Marquette State Park (hunting in designated camp areas only; season begins the first weekday after camps close)

Rend Lake State Fish and Wildlife Area (designated area on refuge only, designated dates between October 1-October 31, 1996)

Sahara Woods (1) (2)

Union County Conservation Area

i) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (1)

Coffeeen Lake State Fish and Wildlife Area

Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)

Des Plaines Game Propagation Center (2)

\* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions) (4)

East Conant Field (1) (4)

Fox Ridge State Park (1)

Hamilton County Conservation Area (1)

Harry "Babe" Woodyard State Natural Area (1) (4)

Hidden Springs State Forest (1)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the day after the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 to December 24))

## Kickapoo State Park (1)

Matthiessen Dells State Park (antlerless deer only; closed during the special site firearm deer seasons and open during the statewide firearm deer seasons) (2)

## Mautino State Fish and Wildlife Area (1)

## Mermet Lake Conservation Area (1) (2)

## Middle Fork Fish and Wildlife Area (1)

- \* Mississippi Palisades State Park (November 1 through December 31) (closed during the first firearm deer season) (1)

Newton Lake Fish and Wildlife Area (check deer at site office)

- \* Pekin Lake Fish and Wildlife Area (1)

## Ramsey Lake State Park (1)

## Sam Dale Lake Conservation Area (1)

## Sand Ridge State Forest (1)

- \* Sangchris Lake State Park (an antlerless antlerless deer must be taken before an antlered deer is harvested) (1) (5)

## Sato Field (1) (4)

## Shelbyville Wildlife Management Area (1)

## Site-M-11-14

Snake Den Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)

- \* Spring Lake Fish and Wildlife Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

## Stephen A. Forbes State Park (1)

Ten Mile Creek Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Volo Bog State Natural Area (hunting only from November 1 through December 31; Monday through Wednesday only; except State holidays) (2)

- j) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season)

## Iroquois County Conservation Area (2)

## Johnson Sauk Trail State Park

## Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site; bowhunting by site issued permit; application procedure to be announced) (1) (2)

(Source: Amended at 24 Ill. Reg. 6908, effective APR 20 2000)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Motor Fuel Tax Law
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Numbers:
- |         |             |                        |
|---------|-------------|------------------------|
| 500.100 | Amendment   | <u>Adopted Action:</u> |
| 500.201 | Amendment   |                        |
| 500.203 | Amendment   |                        |
| 500.204 | Amendment   |                        |
| 500.205 | Amendment   |                        |
| 500.206 | New Section |                        |
| 500.210 | Amendment   |                        |
| 500.230 | Amendment   |                        |
| 500.235 | Amendment   |                        |
| 500.265 | Amendment   |                        |
| 500.297 | New Section |                        |
- 4) Statutory Authority: 35 ILCS 505
- 5) Effective Date of Amendments: April 21, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 14, 2000, 24 Ill. Reg. 488
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?  
Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Amends the Motor Fuel Tax Law as follows:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

Amends definitions of distributor, blending, 1-K kerosene, and supplier and adds definitions for dyed diesel fuel, terminal rack, premises, kerosene-type jet fuel, and designated inspection site.

Provides that all special fuel sold or used for non-highway purposes must contain a dye as defined in the statute. The dye must be added prior to removal from the terminal rack. The Department may also require all special fuel sold for non-highway use to have a marker added.

Provides for notices on shipping papers accompanying any sale of dyed diesel fuel and storage containers used to store or distribute dyed diesel fuel.

Deletes bulk user licensing and filing requirements.

Provides that losses of fuel or motor fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss in excess of 1% shall be subject to tax.

Provides for claims based upon the use of undyed diesel fuel only upon undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways and unlicensed commercial vehicles operating on private property. Establishes specific uses and limits on the amount of undyed diesel fuel that may be claimed for refund.

Makes other changes.

16) Information and questions regarding this adopted amendment shall be directed to:

Gina Roccaforte  
Martha Mote  
Associate Counsels  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996

The full text of the adopted amendment begins on the next page:



DEPARTMENT OF REVENUE  
NOTICE OF ADOPTED AMENDMENTS  
SUBPART C: MOTOR FUEL USE TAX

Section	
500.300	Licensure
500.301	Special Motor Fuel Permits and Decals (Repealed)
500.302	Motor Carrier's Quarterly Report (Repealed)
500.305	Licenses and Decals
500.310	Display of License and Decals
500.315	Renewal of Decals and Licenses
500.320	Single Trip Permits
500.325	Licensure of Lessors and Lessees
500.330	Cancellation of License
500.335	Quarterly Payment and Reporting
500.340	Credits and Refunds
500.345	Records Requirements
500.350	Revocation
500.355	Protest Procedures
500.360	Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section	
500.400	General Information
500.405	Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

Section	
500.500	Licenses and Permits Are Not Transferable
500.501	Blenders' Permits Are Not Transferable (Repealed)
500.505	Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section	
500.600	Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 39b2 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b2].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency

DEPARTMENT OF REVENUE  
NOTICE OF ADOPTED AMENDMENTS  
TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 500  
MOTOR FUEL TAX  
SUBPART A: DEFINITIONS

Section	
500.100	Definitions
500.101	Definition of Receiver (Repealed)
500.102	Definition of Loss (Repealed)

SUBPART B: MOTOR FUEL TAX

Section	
500.200	Basis and Rate of the Motor Fuel Tax
500.201	Licensure
500.202	Basis and Rate of Tax Payable by Receivers
500.203	Monthly Returns
500.204	Report of Loss of Motor Fuel
500.205	Daily Gallonage Record
500.206	Special Fuel Sold or Used for Non-Highway Purposes
500.210	Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers

Section	
500.215	Documentation of Tax-free Sales of Fuel Made by Licensed Receivers
500.220	Vehicles of Distributors Transporting Petroleum Products (Repealed)
500.225	Other Vehicles (Repealed)
500.230	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers

Section	
500.235	Claims for Refund - Invoices
500.240	Sales of Special Fuel - Variation in Usage
500.245	Estimated Claims
500.250	Claimants Owning Motor Vehicles (Repealed)
500.255	Detailed Answers
500.260	Revocation of License, Etc. - Notice - Hearing
500.265	Distributors' and Suppliers' Claims for Credit or Refund
500.270	Receivers' Claims for Credit

Section	
500.275	Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.280	Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.285	Sales of Motor Fuel to Certain Privately-Owned Public Utilities

Section	
500.290	Owning and Operating Transportation Systems in Metropolitan Areas
500.295	When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)
500.297	Cost of Collection - Determination (Repealed)
500.297	Protest Procedures for Certain Penalties

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990; amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. 14917, effective August 3, 1998; amended at 22 Ill. Reg. 16322, effective August 25, 1998; amended at 22 Ill. Reg. 20299, effective December 1, 1998; emergency amendment at 24 Ill. Reg. 880, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. ~~6918~~, effective APR 21 2000.

## SUBPART A: DEFINITIONS

## Section 500.100 Definitions

For purposes of this Part, the following definitions apply:

"Base Jurisdiction" means the jurisdiction where commercial motor vehicles are based for vehicle registration purposes and:

Where the operational control and operational records of the licensee's commercial motor vehicles are maintained or can be made available; and

Where some travel is accrued by commercial motor vehicles within the fleet.

~~"Bulk-User" means--any--person, other than a licensed distributor or licensed supplier, who owns, operates, or controls special fuel--bulk storage facilities--into--which--any special fuel--is delivered--by the seller--without the motor fuel tax being paid, and--owns,--operates--or controls--licensed highway vehicles--which are powered by special fuel--(Section 1-15 of the Act)~~

"Blender" means any person who engages in the practice of blending. (Section 1.6 of the Law Act)

"Blending" means the mixing together by any process whatsoever, of any one or more products with other products, and regardless of the original character of the products so blended, provided the resultant product so obtained is suitable or practicable for use as a motor fuel, except such blending as may occur in the process known as refining by the original refiner of crude petroleum, and except, also, the blending of products known as lubricating oil in the production of lubricating oils and greases and except, also, the dyeing of special fuel as required by Section 4d of the Law. (Section 1.5 of the Law Act)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

"Commercial Motor Vehicle" means a motor vehicle used, designed, or maintained for the transportation of persons or property and either having 2 axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,793 kilograms, or having 3 or more axles regardless of weight, or that is used in combination, when the weight of the combination exceeds 26,000 pounds or 11,793 kilograms gross vehicle weight. This term does not include motor vehicles operated by the State of Illinois or the United States, recreational vehicles, school buses and commercial motor vehicles operated solely within Illinois for which all motor fuel is purchased within this State. (Section 1.16 of the Law Act)

~~"Designated inspection site" means any State highway inspection station, weigh station, agricultural inspection station, mobile station, or other location designated by the Department to be used as a fuel inspection site. A designated inspection site will be identified as a fuel inspection site. (Section 1.26 of the Law)~~

"Diesel fuel" means any petroleum product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark. (Section 2(b) of the Law Act)

~~"Distributor" means a person who either (i) produces, refines, blends, compounds or manufactures motor fuel in this State, or (ii) transports motor fuel into this State or receives motor fuel transported to him from without the State, or (iii) who is engaged in this State in the distribution of motor fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active bulk storage capacity of not less than 30,000 gallons for gasoline as defined in Section 5(A) of the Law. (Section 1.2 of the Law Act)~~

~~"Dyed diesel fuel" means special fuel, as defined in Section 1.13 of the Law, dyed in accordance with Section 4d of the Law. (Section 1.13B of the Law)~~

"Export" means the transportation of reportable motor fuel or fuel, by any vessel, from Illinois, when such motor fuel or fuel comes to rest in a different state, whether or not in the original vessel used to transport the motor fuel or fuel. Motor fuel or fuel delivered to a different state, by or on behalf of the seller, constitutes an export by the seller. Motor fuel or fuel delivered to a different state, by or on behalf of the purchaser, constitutes an export by the purchaser. The exporter of such motor fuel or fuel is subject to the reporting and licensing requirements of the origin and destination states.

~~"Fuel" means all liquids defined as "motor fuel" "Motor Fuel" and aviation fuels and kerosene, but excluding liquified petroleum gases.~~

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(Section 1.19 of the Law Act)

"Import" means the transportation of reportable motor fuel or fuel, by any vessel, into Illinois, when such motor fuel or fuel comes to rest in Illinois, whether or not in the original vessel used to transport the motor fuel or fuel. Motor fuel or fuel delivered into Illinois, from a different state, by or on behalf of the seller, constitutes an import by the seller. Motor fuel or fuel delivered into Illinois, from a different state, by or on behalf of the purchaser, constitutes an import by the purchaser. The importer of such motor fuel or fuel is subject to the reporting and licensing requirements of the origin and destination states.

"International Fuel Tax Agreement" ("IFTA") means the multijurisdictional International Fuel Tax Agreement ratified by Congress, the provisions of which were imposed upon States pursuant to Public Law 102-240, which mandates that no State shall establish, maintain or enforce any law or regulation which has fuel use tax reporting requirements not in conformity with the International Fuel Tax Agreement.

"Jurisdiction" is a state of the United States, the District of Columbia, or a province or Territory of Canada.

"Kerosene-type jet fuel" means any jet fuel as described in ASTM specification D 1655 and military specifications MIL-T-5624R and MIL-T-8313D (Grades JP-5 and JP-8). (Section 1.25 of the Law)

"Law" means the Motor Fuel Tax Law [35 ILCS 505].

"Leasing" means the giving of possession and control of a vehicle for valuable consideration for a specified period of time.

"Loss" means, for purposes related to claims for refund, the reduction of motor fuel resulting from spillage, spoilage, leakage, theft, destruction by fire or any other provable cause, but does not include a reduction ~~loss~~ resulting from evaporation or shrinkage due to and temperature variations changes.

"Motor fuel" means all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, the propulsion of motor vehicles. Among other things, "motor fuel" includes "special fuel." (Section 1.1 of the Law Act)

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee,

guardian, or other representative appointed by order of any court, or any city, town, county or other political subdivision in this State. When used in these rules to prescribe or impose a fine or imprisonment or both, the term as applied to partnerships and associations shall mean the partners or members thereof; as applied to limited liability companies, the term means managers, members, agents or employees of the limited liability company; and as applied to corporations, the term shall mean the officers, agents, or employees thereof who are responsible for any violation of the Act. (Section 1.11 of the Law Act)

"Premises" means any location where original records are kept; where tank cars, ships, barges, tank trucks, tank wagons, or other types of transportation equipment are used to distribute fuel or motor fuel; or where containers, storage tanks, or other facilities are used to store or distribute fuel or motor fuel. (Section 1.24 of the Law)

"Receiver" means a person who either produces, refines, blends, compounds or manufactures fuel in this State, or transports fuel into this State or receives fuel transported to him from without the State or exports fuel out of this State, or who is engaged in the distribution of fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active fuel bulk storage capacity of not less than 30,000 gallons. (Section 1.20 of the Law Act)

"Records" means all data maintained by the taxpayer, including data on paper, microfilm, microfiche or any type of machine-sensible data compilation.

"Recreational vehicle" means vehicles, such as motor homes, pickup trucks with attached campers, camping or travel trailers, van or truck campers, mini motor homes, or buses, used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

"Revocation" means the withdrawal of license and privileges.

"Special fuel" means all volatile and inflammable liquids capable of being used for the generation of power in an internal combustion engine except that it does not include gasoline as defined in Section 5(a) of the Law, or combustible gases as defined in Section 5(B) of the Law. "Special fuel" includes "diesel fuel." All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of the Law. (Section 1.13 of the Law Act)

"Supplier" means any person other than a licensed distributor who (i)



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~~transports special fuel into this State or (ii) engages in the distribution of special fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active bulk storage capacity of not less than 30,000 gallons for special fuel as defined in Section 1.13 of the Law, receives special fuel--transported to him from outside the State; and a person engaged in Illinois in the distribution--of special fuel--primarily by tank car or tank truck; or both-~~ (Section 1.14 of the Law Act)

"Terminal rack" means a mechanism for dispensing motor fuel or fuel from refinery, terminal, or bulk plant into a transport truck, railroad tank car, or other means of transportation. (Section 1.23 of the Law)

"Total distance" for purposes of the motor fuel use tax means all miles traveled during the reporting period by every commercial motor vehicle in the licensee's fleet, regardless of whether the miles are considered taxable or nontaxable by a jurisdiction.

"Weight" for purposes of the motor fuel use tax means the maximum weight of the loaded vehicle or combination of vehicles during the registration period.

(Source: Amended at 24 Ill. Reg. 6918, effective APR 21 2000)

## SUBPART B: MOTOR FUEL TAX

## Section 500.201 Licensure

- No person shall act as a distributor, supplier, or receiver or bulk-user in Illinois without first applying for and obtaining a license from the Department. The application shall be signed and verified by the applicant, and shall contain information required by the Department. In the case of corporate applicants, the application shall be signed by a corporate officer or officers. An applicant shall also file with the Department a bond on a form to be approved by and with a surety or sureties satisfactory to the Department.
- A license shall not be granted, nor shall any license be maintained, for any supplier or distributor whose principal place of business is in a state other than Illinois, unless such person is licensed for motor fuel distribution in the state in which the principal place of business is located and such person is not in default to that state for any monies due for the sale, distribution, or use of motor fuel. (Section 3, 3a, 3b and 3c of the Law Act)
- A license shall not be issued to any person who fails to file a return, or to pay the tax, penalty or interest for a filed return, or to pay any final assessment of tax, penalty or

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interest, as required by the Law, or as required by any other tax Act administered by the Department. [20 ILCS 2505/39b47]

(Source: Amended at 24 Ill. Reg. 6918, effective APR 21 2000)

## Section 500.203 Monthly Returns

- Distributor, supplier and receiver monthly returns. Monthly Motor Fuel Tax returns of licensed distributors and suppliers must be compiled correctly on forms furnished by the Department and must be filed, accompanied by a remittance for the correct amount of tax due, by the 20th day of the month following the month for which the return is made. Receipt schedules showing monthly receipts of motor fuel must always accompany the monthly return, as well as all other applicable schedules. Receivers subject to the tax imposed by Section 2a of the Law must file returns by the 20th of each calendar month for fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month.
- If a distributor's only activities with respect to motor fuel are either:
  - production of alcohol in quantities of less than 10,000 proof gallons per year or
  - blending alcohol in quantities of less than 10,000 proof gallons per year which such distributor has produced;
 He shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Where the distributor has not established one calendar year's record of production, annual production will be projected on the basis of actual production and estimates submitted by the distributor. (Section 5 of the Law)

- bulk-user--Annual-Return--Persons-holding-a-valid-license-to-act-as-a bulk-user--of--special--fuel--shall--make--an--annual--return--to--the Department--on--forms--prescribed--by--the--Department--the--return--shall itemize--the--number--of--invoiced--gallons--of--special--fuel--purchased, acquired--or--received--during--the--preceding--calendar--year--the--return shall--be--due--on--the--15th--day--of--the--fourth--month--following--the--end--of--the--calendar--year--

- Magnetic Schedule Support Data. Beginning October 1, 1994, data required by all support schedules for licensed distributors, suppliers, and receivers who are required to file a return must be filed using magnetic media. Schedule support data must be submitted on either 3-1/2" diskette, 5-1/4" floppy disk, or 9" magnetic tape which is IBM or IBM compatible. Schedules that must be filed on magnetic media include Schedules A, SA, LA, E, SE, LE, GA-1 GA-2, B, SB, LB, C, SC, LC, D, SD, DA, DB, DC, DD, DD-1, SBI and LD. Schedules not required to be filed in this manner are Schedules F, M and J. Amended schedules must still be filed on Department forms or approved

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computer-generated forms. The only exceptions to this requirement are persons who do not possess a computer, who have computers which are not IBM or IBM compatible, or who have ten business transactions or less per month, per schedule type. Persons seeking an exemption from these requirements must petition the Department's Motor Fuel Division in writing, explaining the basis for their exemption. All exceptions expire one year from the date they are granted.

d) When returns are timely filed and paid in full, a supplier, distributor or receiver may take a discount of 2% of the tax collected to reimburse himself for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. This discount is not permitted for motor fuels which are used or consumed by a supplier or distributor in his own vehicles or for any other purpose. The 2% discount, however, shall be applicable only to the amount of payment which accompanies a return that is filed timely in accordance with Sections 2b, 5, or 5a of the Law.

e) A person whose license to act as a supplier, distributor, or receiver or bulk-user of motor fuel has been revoked or cancelled shall make a return and payment to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license. Any tax-free inventory remaining at the close of the reporting period must be paid in full.

(Source: Amended at 24 Ill. Reg. 6918, effective APR 21 2000)

## Section 500.204 Report of Loss of Motor Fuel

a) All licensed suppliers, and distributors, and receivers are required to report immediately all losses of motor fuel sustained by them on account of fire, theft, spillage, spoilage, leakage or any other provable cause when filing the return for the period during which such loss occurred in order that the Department may make such investigation as it may deem necessary.

b) The mere making of such a report does not assure the allowance of such loss as a credit on account of tax liability with respect to such loss, but failure to report such losses promptly may result in the refusal of the Department to allow credit on account of tax liability with respect to such a loss.

c) Losses of fuel as the result of evaporation or shrinkage due to temperature variations may not exceed one percent of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss reported that is in excess of one percent shall be subject to the tax imposed by Section 2 or Section 2a

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of the Law and the fee imposed by Section 310 of the Environmental Impact Fee Law. [Section 2b of the Law]

(Source: Amended at 24 Ill. Reg. 6918, effective APR 21 2000)

## Section 500.205 Daily Gallonage Record

Distributors, receivers, bulk-users and suppliers are required to maintain an accurate, actual, daily record of gallonage in storage facilities. Detailed records of all gallonage delivered into storage facilities must be made available to authorized Department employees and must contain the following information:

- date of delivery;
- invoice number;
- manifest/bill of lading number;
- location of receipt;
- seller's name and address;
- fuel type; and
- pipeline batch number, if delivered by pipeline.

Carelessness in not keeping such records is frequently the means of building false inventories. The burden is also upon the distributor, supplier, bulk user or receiver to see to it that the valves on bulk plants function properly. This will have a tendency to eliminate substantial losses under various climatic conditions.

(Source: Amended at 24 Ill. Reg. 6918, effective APR 21 2000)

## Section 500.206 Special Fuel Sold or Used for Non-Highway Purposes

a) All special fuel sold or used for non-highway purposes must contain only the dye Solvent Red 164 at a concentration spectrally equivalent to at least 3.9 pounds of the solid dye standard Solvent Red 26 per thousand barrels of special fuel except kerosene-type jet fuel sold for the propulsion of any aircraft. The dye must be added prior to removal from a terminal rack. The Department may also require all special fuel sold for non-highway use to have a marker added. (Section 4d of the Law)

b) A legible and conspicuous notice stating "Dyed Diesel Fuel, Non-taxable Use Only, Penalty For Taxable Use" must appear on all shipping papers (including delivery tickets or manifests and excluding material safety data sheets), bills of lading, and invoices accompanying any sale of dyed diesel fuel. (Section 4e of the Law)

c) A legible and conspicuous notice stating "Dyed Diesel Fuel, Non-taxable Use Only" must appear on all containers, storage tanks, or facilities used to store or distribute dyed diesel fuel. (Section 4f of the Law)

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(Source: Added at 24 Ill. Reg. 6930 effective  
4/1/2000)

**Section 500.210 Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers**

- a) Sales of motor fuel made to licensed distributors of suppliers or bulk users holding a valid tax-free permit. A specific notation of the nature of the exemption must be made on the invoice for these sales. Also, the seller must retain the invoice number and date, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination, purchaser's license number, and invoiced gallons sold. In addition, when special fuel is sold under this exemption, the seller must obtain from the purchaser a completed IFR-648 form.
- b) Sales of motor fuel delivered to points outside Illinois. The seller must retain the invoice date and number, name of carrier, bill of lading/manifest number, purchaser's name and address, Illinois origin, destination location, and invoiced gallons.
- c) Sales of motor fuel to the Federal government or its instrumentalities. The seller shall retain the invoice number and date, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination, and invoiced gallons, and official forms of exemption certificates furnished by the Federal government.
- d) Sales of motor fuel to a municipal corporation owning and operating a local transportation system for public service in Illinois. The seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination and invoiced gallons. In addition, the seller shall include with his return a Certificate of Exemption, in the form required by Section 500.280 of this Part, for each such sale.
- e) Sales of motor fuel to a privately owned public utility owning and operating 2-axle vehicles designed and used for transporting more than 7 passengers, for the operation of vehicles which are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or any group of municipalities or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission. The seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination and invoiced gallons. In addition, the seller shall include with his return a Certificate of Exemption, in the form required by Section 500.285 of this Part, for each such sale.
- f) Sales of gasoline for aviation purposes. A Seller shall retain the

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- invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination, and invoiced gallons. He must also include a "Certificate of Gas Sold For Propulsion of Aircraft" with his return to document this type of exemption.
- g) Sales of special fuel sold for non-highway purposes. A specific notation of the nature of the exemption must be made on the invoice for these sales. The seller must retain the invoice number and date, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination, and invoiced gallons sold. A legible and conspicuous notice stating "Dyed Diesel Fuel, Non-taxable Use Only, Penalty For Taxable Use" must appear on all shipping papers (including delivery tickets or manifests and excluding material safety data sheets), bills of lading, and invoices accompanying any sale of dyed diesel fuel.
- g) Sales to qualified users. Documentation for sales to qualified users falls into two categories, which are described below:
- 1) Sales of special fuel to persons using the fuel exclusively for non-highway purposes, who do not own, lease, or control operate or control any diesel-powered licensed highway equipment. Sellers making these types of exempt sales must make a notation on the invoice or sales slip regarding the exempt nature of the sale, and must retain the purchaser's name and address, the use for which the fuel is sold, and the total monthly gallons. In addition, the seller must retain a valid IFR-648 for each customer.
- 2) Sales of special fuel to persons who have no licensed diesel highway equipment but who do have self-propelled highway construction or maintenance equipment which will be used in a dual capacity for both improving, maintaining, or repairing highways and propelling the equipment on road-to-job sites. Sellers may accept a percentage certificate from the purchaser specifying the amount of special fuel that may be purchased tax free. Sellers must retain the purchaser's name and address, the percentage exemption and reason for partial exemption, and total monthly gallons. In addition, the seller must retain a valid IFR-648 for each customer.
- h) Sales of L-K kerosene delivered into a storage tank located at a facility that has withdrawal facilities which are readily accessible to, and are capable of dispensing L-K kerosene into the fuel supply tanks of, motor vehicles are normally taxable. However, such sales may be made tax-free when the seller obtains supporting documentation affirming that the L-K kerosene will not be sold or used in highway vehicles. The seller must obtain a valid IFR-648 for each customer for these exempt sales.
- i) The IFR-648, which is used to document exempt sales of special fuel and which is required to be retained by the seller, must be renewed



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~~at least every three years. An IDR-648 shall remain valid for 3 years or until the purchaser's license is revoked or cancelled. A customer may also revoke the IDR-648 by advising both the seller and the Department in writing.~~

(Source: Amended at 24 Ill. Reg. 6918, effective APR 21 2000)

**Section 500.230 Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers**

a) Distributors are required to pay the tax on all motor fuel (of the type they are required by the second paragraph of Section 5 of the Motor Fuel Tax Law to report to the Department when filing a return), except dyed diesel fuel used by such distributors for non-highway purposes, used or consumed by them, whether for taxable or nontaxable purposes. If the motor fuel is consumed for statutory nontaxable purposes, a claim for credit or refund may thereafter be filed as provided by the Motor Fuel Tax Law and on the form prescribed by the Department for that purpose.

b) Suppliers are required to pay the tax on all special fuel, except dyed diesel fuel used by such suppliers for non-highway purposes, used or consumed by them, whether for taxable or nontaxable purposes. If the special fuel is consumed for statutory nontaxable purposes, a claim for credit or refund may thereafter be filed as provided by the Motor Fuel Tax Law and on the form prescribed by the Department for that purpose.

c) Receivers are required to pay tax on all fuel, as defined by Section 1.19 of the Motor Fuel Tax Law, used or consumed by them.

d) In addition to the daily gallonage requirements of Section 500.205, distributors, suppliers, receivers, and bulk users are required to keep detailed records of all motor fuel and fuel withdrawn from storage facilities for highway and nonhighway use by the distributor, supplier, receiver and bulk user. This information must contain the following information:

- 1) Date of withdrawal.
- 2) Number of gallons by fuel type.
- 3) Description of vehicle or equipment into which the fuel or motor fuel was delivered.
- 4) Unit number, license plate number, or vehicle identification number (VIN) of the vehicle or equipment.
- 5) Detailed description of the purpose for which the fuel or motor fuel was used.

(Source: Amended at 24 Ill. Reg. 6918, effective APR 21 2000)

**Section 500.235 Claims for Refund - Invoices**

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a) Claims for the refund of Motor Fuel Tax imposed by Section 2 of the Law, by persons other than a distributor or supplier, shall be made to the Department of Revenue, duly verified by the claimant, upon forms prescribed by the Department. The Department of Revenue will not approve claims for refund of Motor Fuel Tax unless such claims can be directly supported by invoices, sales slips, statements of account, or monthly statements (herein referred to as "purchase documentation"). Reproductions may be submitted in lieu of originals, provided they are legible. However, the Department may require original purchase documentation to verify purchases. Purchase documentation may be electronically generated by the claimant's fuel supplier. Electronically generated purchase documentation shall meet all applicable electronic storage requirements of Sections 130.805 and 130.825 of the Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130). Manifests will not be treated as purchase documentation.

b) All purchase documentation must contain the following information:

- 1) Date of delivery;
  - 2) Name and address of purchaser (which must be the name of the claimant);
  - 3) Name and address of seller;
  - 4) Number of gallons purchased and price per gallon;
  - 5) Illinois Motor Fuel Tax as separate item if the purchase documentation is from other than a retail outlet; and
  - 6) receipt of payment. (Only paid purchase documentation is acceptable in connection with claims for refund.) Refunds will only be issued when payment of tax is exactly correlated to the purchase documentation for which the claim is being filed.
- c) Claimants must retain purchase documentation in conjunction with claims based upon motor fuel used for a nontaxable purpose. In making a claim, claimants must show total purchases, deducting the gallonage used upon public highways or waters, the difference being the net amount upon which the claim is based. Claimants must retain among their books and records documentation of all purchases, payments, bulk storage withdrawals and proof of usage for a period equivalent to that during which an assessment can be issued under the Law, from the date of issuance of the claim or refund. This information must be made available to Department employees upon request. Failure to keep or provide such records will result in denial of claims and recovery of any claims paid. In addition, the Department may recover any claims erroneously paid.
- d) Where the claimant has lost purchase documentation through inadvertence or an act of God, the Department will permit the claimant to submit an affidavit in lieu of such purchase documentation in support of the claim, if the affidavit contains the same information which the purchase documentation was required to contain, plus a statement of facts explaining the loss of the purchase documentation and justifying the substitution of an affidavit for the purchase documentation.

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- e) Claims for full reimbursement of tax paid on motor fuel must be filed not later than one year after the date on which the tax was paid by the claimant. If, however, a claim for such reimbursement otherwise meeting the requirements of the Law Act is filed more than one year but less than 2 years after that date, the claimant shall be reimbursed at the rate of 80% of the amount to which he would have been entitled if his claim had been timely filed.
- f) Claims accompanied by purchase documentation which demonstrate evidence of change of name, date or gallonage or other evidence of fraud, or which is illegible, will be disallowed in their entirety.
- g) Any person who purchases motor fuel in Illinois and uses that motor fuel in another state and that other state imposes a tax on the use of such motor fuel shall be reimbursed and repaid the amount of Illinois tax paid on the motor fuel used in such other state. Reimbursement and repayment shall be made by the Department upon receipt of adequate proof of taxes paid to another state and the amount of motor fuel used in that state. Evidence supporting the claim must include both a copy of the tax return filed with such other state and a copy of the cancelled check or a receipt acknowledging payment of the tax due on said tax return.
- h) Claims for refunds for the motor fuel tax imposed by Section 2 of the Law approved by the Department shall be paid within 90 days after receipt of a complete and correct application for such a refund. If refunds are paid after the expiration of the 90 day period, the Department shall also pay from the Motor Fuel Tax Fund to the taxpayer interest at the rate and in the manner set by the Uniform Penalty and Interest Act [35 ILCS 505/15.1].

- i) No claim based upon the use of undyed diesel fuel shall be allowed except for undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways. Claims shall be limited to commercial vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways. (Section 13 of the Law) Such claims must be based upon actual consumption of undyed diesel fuel. The following are identified uses subject to refund and are the maximum amounts of undyed diesel fuel that may be claimed for refund by commercial vehicles operating in such a dual capacity.

Use	Maximum
Application of dry fertilizer, liquid fertilizer, pesticides, or herbicides by a commercial vehicle that is either licensed for highway use or is not required to be licensed under Section 3-809(c) of the Illinois Vehicle Code and is designed or	Limestone .20 gallon per ton applied Phosphate 1 gallon per ton applied Dry fertilizer 2 gallons per ton applied Liquid mixed fertilizer 1 gallon per ton applied

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adapted and used for the bulk spreading of agricultural chemicals	Liquid nitrate fertilizer 1 gallon per ton applied Anhydrous ammonia 2 gallons per acre of application NH[3] liquid/dry fertilizer 1 gallon per acre of application Pesticides/herbicides .13 gallon per acre of application
Commercial vehicles utilizing power take-off equipment (including concrete mixing vehicles and solid waste compacting vehicles)	25% of the fuel consumed
Delivery of fuel by a commercial vehicle that is licensed for highway use and is designed or adapted and used for the bulk delivery of fuel	3/4 gallon per 1,000 gallons pumped
Commercial vehicle with permanently mounted refrigeration units that refrigerate cargo and have a dedicated fuel supply system separate from the commercial vehicle's fuel supply tank	100% of the fuel consumed by the refrigeration units
Custom work maintenance by commercial vehicles	Moldboard plowing 8 gallons per acre Chisel plowing 6 gallons per acre Discing 3 gallons per acre Chopping stalks 3 gallons per acre Pasture reseeding 3 gallons per acre Bluegrass sowing 3 gallons per acre Combining 5 gallons per acre Bushhogging 5 gallons per acre Planting 2 gallons per acre Replanting 2 gallons per acre Mowing 1 gallon per acre
Cultivation maintenance by commercial vehicles	Corn 12 gallons per acre cultivated Soybeans 10 gallons per acre cultivated Small grain 3 gallons per acre cultivated Hay 10 gallons per acre cultivated Corn silage 20 gallons per acre cultivated

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Swine .3 gallon per animal raised to market	
Sheep .45 gallon per animal raised to market	
Beef cattle 1.3 gallons per animal raised to market	
Dairy cattle 1 gallon per animal raised to market	
Poultry .054 gallon per bird raised to market	

A claimant who has a commercial vehicle that is operated for both highway purposes and any purposes other than operating such vehicles upon the public highways that is not included in the above table shall submit a specific study that has been conducted by such claimant and approved by the Department prior to submission of the claim. The above amounts are the maximum amounts allowed unless the claimant submits a specific study conducted by the claimant and approved by the Department for claims in excess of these amounts. Such approved studies shall be valid for 2 years from the date of approval.

1) No other usage or claims based upon the use of undyed diesel fuel shall be allowed except for undyed diesel fuel used by unlicensed commercial vehicles operating exclusively on private property. Such claims are subject to a maximum of 100% of the fuel consumed by such commercial vehicles.

k) The Department will approve claims for refund of undyed diesel fuel only when such claims are based upon a showing that such undyed diesel fuel was used for a nontaxable purpose, and that the part for which refund is claimed can, as a practical matter, be calculated and itemized. When such claims are estimated or calculated, they must be supported by verifiable documentation retained in the claimant's books and records. Only claims which can be supported by proof of the amount of undyed diesel fuel not used for a taxable purpose will be approved.

(Source: Amended at 24 Ill. Reg. 6910, effective APR 2 1980)

## Section 500.265 Distributors' and Suppliers' Claims for Credit or Refund

a) Filing of Claims. Any distributor or supplier who shall have paid Motor Fuel Tax upon motor fuel used by such distributor or supplier for any purpose other than operating a motor vehicle upon the public highways or waters, may file a claim for credit or refund to recover the amount so paid. Such claims shall be filed on forms prescribed by the Department. Such claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant shall have died or become a person under legal

disability). The claim shall state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary and shall state when the nontaxable use occurred and shall specify the purpose for which such motor fuel was used by the claimant, together with such other information as the Department may reasonably require. Claims for credit or refund for tax paid on motor fuel purchased on or after July 1, 1965, must be filed not later than one year after the date on which tax was paid by the claimant. In case the distributor or supplier requests and the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department shall provide for the payment of refunds in hardship cases as provided in 86 Ill. Adm. Code 130.1510.

No claim based upon the use of undyed diesel fuel shall be allowed except for undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways. Claims shall be limited to commercial vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways. (Section 13 of the Law) Such claims must be based upon actual consumption of undyed diesel fuel. The following are identified uses subject to refund and are the maximum amounts of undyed diesel fuel that may be claimed for refund by commercial vehicles operating in such a dual capacity.

## Use

## Maximum

Application of dry fertilizer,	Limestone .20 gallon per ton applied
liquid fertilizer, pesticides, or herbicides by a commercial vehicle that is either licensed for highway use or is not required to be licensed under Section 3-809(c) of the Illinois Vehicle Code and is designed or adapted and used for the bulk spreading of agricultural chemicals	Phosphate 1 gallon per ton applied
	Dry fertilizer 2 gallons per ton applied
	Liquid mixed fertilizer 1 gallon per ton applied
	Liquid nitrate fertilizer 1 gallon per ton applied
	Anhydrous ammonia 2 gallons per acre of application
	NH <sub>3</sub> liquid/dry fertilizer 1 gallon per acre of application
	Pesticides/herbicides .13 gallon per acre of application



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Commercial vehicles utilizing power take-off equipment (including concrete mixing vehicles and solid waste compacting vehicles)

Delivery of fuel by a commercial vehicle that is licensed for highway use and is designed or adapted and used for the bulk delivery of fuel

Commercial vehicle with permanently mounted refrigeration units that refrigerate cargo and have a dedicated fuel supply system separate from the commercial vehicle's fuel supply tank

Custom work maintenance by commercial vehicles

Cultivation maintenance by commercial vehicles

Livestock maintenance by commercial vehicles

25% of the fuel consumed

3/4 gallon per 1,000 gallons pumped

100% of the fuel consumed by the refrigeration units

Moldboard plowing 8 gallons per acre  
Chisel plowing 6 gallons per acre

Discing 3 gallons per acre  
Chopping stalks 3 gallons per acre  
Pasture reseeding 3 gallons per acre  
Bluegrass sowing 3 gallons per acre

Combining 5 gallons per acre  
Bushhogging 5 gallons per acre  
Planting 2 gallons per acre  
Replanting 2 gallons per acre  
Mowing 1 gallon per acre

Corn 12 gallons per acre cultivated  
Soybeans 10 gallons per acre cultivated  
Small grain 3 gallons per acre cultivated  
Hay 10 gallons per acre cultivated  
Corn silage 20 gallons per acre cultivated

Swine .3 gallon per animal raised to market  
Sheep .45 gallon per animal raised to market

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Beef cattle 1.3 gallons per animal raised to market  
Dairy cattle 1 gallon per animal raised to market  
Poultry .054 gallon per bird raised to market

A claimant who has a commercial vehicle that is operated for both highway purposes and any purpose other than operating such vehicles upon the public highways that is not included in the above table shall submit a specific study that has been conducted by such claimant and approved by the Department prior to submission of the claim. The above amounts are the maximum amounts allowed unless the claimant submits a specific study conducted by the claimant and approved by the Department for claims in excess of these amounts. Such approved studies shall be valid for 2 years from the date of approval.

No other usage or claims based upon the use of undyed diesel fuel shall be allowed except for undyed diesel fuel used by unlicensed commercial vehicles operating exclusively on private property. Such claims are subject to a maximum of 100% of the fuel consumed by such commercial vehicles.

The Department will approve claims for refund of undyed diesel fuel only when such claims are based upon a showing that such undyed diesel fuel was used for a nontaxable purpose, and that the part for which refund is claimed can, as a practical matter, be calculated and itemized. When such claims are estimated or calculated, they must be supported by verifiable documentation retained in the claimant's books and records. Only claims which can be supported by proof of the amount of undyed diesel fuel not used for a taxable purpose will be approved.

b) Issuance of Credit Memoranda - Use Thereof to Satisfy Prior Rights of Department. The Department may make such investigation of the correctness of the facts stated in such claims for credit or refund as it deems necessary. When the Department approves a claim for credit or refund the Department shall issue a refund or credit memorandum to the distributor or supplier who made the payment for which the refund or credit is being given or, in the event that such distributors or suppliers shall have died or become incompetent, to such distributor's or supplier's legal representative, as such. The amount of such refund or credit memorandum shall first be credited against any tax due or to become due under the Law Act from the distributor or supplier who made the payment for which credit has been given. This means that if there is an established or admitted unpaid Motor Fuel Tax liability on the part of the claimant, the amount of the credit or refund will be credited against the tax that is due. If the credit or refund is in an amount less than that of the unpaid liability, the credit or refund shall be applied against such liability. If the amount of the credit or refund exceeds that of the unpaid liability,

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after crediting an amount sufficient to liquidate or cancel out such unpaid liability, the Department will issue a new credit memorandum or refund representing the difference between that of the original credit or refund found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum or refund will be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Law Act. If a proceeding to establish such an unpaid liability is pending, the credit memorandum or refund will be held by the Department until such proceeding is concluded; and if such proceeding results in a determination that Motor Fuel Tax is due from the claimant, the credit memorandum or refund will be applied by the Department, to the extent which may be necessary, in liquidation of such liability, and the balance of the credit memorandum or refund, if any (after cancellation of the credit memorandum or refund applied in liquidation of said liability), will be issued in the form of a new credit memorandum or refund and delivered to the person entitled to receive delivery thereof.

## c) Disposition of Credit Memoranda by Holder Thereof

1) Assignment of Credit Memoranda. Credit memoranda may be assigned or transferred only after a request for that purpose is filed with the Department upon forms prescribed and furnished by it, and subject to the following conditions:

- A) That the assignment is made to a person who is licensed as a distributor of motor fuel or a supplier of special fuel under the Law;
- B) That there is no proceeding pending to establish an unpaid Motor Fuel Tax liability against the assignor; and
- C) That there is no established or admitted unpaid Motor Fuel Tax liability against the assignor; provided, that if the amount of the credit memorandum must first be applied, in whole or in part, against an unpaid liability of the claimant-assignor, notice to this effect will be given the claimant-assignor by the Department. If any balance is due such claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, such balance may be assigned upon receipt by the Department of instructions to that effect. If there is no unpaid liability and no proceedings pending to determine a liability as aforesaid, and if the assignee is a licensed distributor of motor fuel, the request for leave to assign will be approved. The original credit memorandum will be cancelled, and a new credit memorandum will be issued to the assignee in the amount shown on the cancelled memorandum. However, before a credit memorandum is issued to the assignee, the amount of such credit will be applied, to the extent that may be necessary, in liquidation of any unpaid Motor Fuel Tax liability of the assignee, and a credit

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memorandum for the balance, if any, will be issued to the assignee, provided that there is no proceeding pending against the assignee to establish an unpaid Motor Fuel Tax liability against him. If a proceeding to establish such an unpaid liability is pending, the credit memorandum will be held by the Department until such proceeding is concluded; and if such proceeding results in a determination that Motor Fuel Tax is due from the assignee, the credit will be applied by the Department, to the extent which may be necessary in liquidation of such liability, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of said liability), will be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

- 2) Submission of Credit Memoranda With Monthly Returns. Credit memoranda, in the hands either of the original claimant or of his assignee, may be submitted to the Department, along with monthly tax returns, in payment of Motor Fuel Tax due from the holder of such credit memoranda. If, after applying any such credit memorandum against the amount of tax shown to be due by the tax return with which the credit memorandum is submitted, the Department finds that there is a balance of the credit memorandum in favor of the distributor or supplier submitting the credit memorandum, the Department will cancel the credit memorandum that has been submitted and will issue and deliver to such distributor or supplier a new credit memorandum for such balance. This process will be followed until the credit, to which such distributor or supplier is entitled, is exhausted. However, any new credit memorandum, which is issued as provided in this paragraph for a balance of credit due the distributor or supplier after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that such prior rights take precedence when a credit memorandum is first issued (see subsection (b) of this Section) or when leave to assign a credit memorandum is requested (see subsection (c)(1) of this Section).
- d) Refunds to Distributors and Suppliers. If any distributor or supplier ceases to be licensed as a distributor or supplier while still holding an unused credit memorandum, such distributor or supplier may, at his election (instead of assigning the credit memorandum to another licensed distributor or supplier under the Law Act), surrender such unused credit memorandum to the Department and receive a refund in lieu thereof.
- e) *Claims filed under this Section for overpayment of the Motor Fuel Tax imposed by Section 2 of the Law shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act. [35 ILCS 505/13] Claims made under this Section that are based upon motor fuel*

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used for any purpose other than operating a motor vehicle upon the public highways or waters shall be paid within 90 days after receipt of a complete and correct application for credit. If credits based upon motor fuel used for any purpose other than operating a motor vehicle upon the public highways or waters are issued after expiration of the 90 day period, the Department shall include interest at the rate and in the manner set by the Uniform Penalty and Interest Act. [35 ILCS 505]

(Source: Amended at 24 Ill. Reg. 6918, effective APR 21 2000)

Section 500.297 Protest Procedures for Certain Penalties

- a) Any person aggrieved by any action of the Department under item 13, 14, 15, or 16 of Section 15 of the Motor Fuel Tax Law may protest the action by making a written request for a hearing within 60 days after the original action.
- b) Hearings that have been timely requested will be scheduled by the Department. The Department will provide written notice of the date, time, and place of the hearing at least 20 days prior to the hearing date.
- c) Hearings shall be conducted in accordance with the provisions of the Illinois Administrative Procedure Act [5 ILCS 100] and regulations promulgated thereunder found at 86 Ill. Adm. Code 200.101 through 200.225.

(Source: Added at 24 Ill. Reg. 6818, effective APR 21 2000)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public Information, Rulemaking and Organization

2) Code Citation: 2 Ill. Adm. Code 1200

3) Section Numbers: Adopted Action:  
1200.100 Amendment  
1200.130 Amendment  
1200.310 Amendment

4) Statutory Authority: 5 ILCS 100/5-15

5) Effective Date of Amendment: April 21, 2000

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: This is an internal rulemaking and filed as adopted.

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference between proposal and final version: This is an internal rulemaking and filed as adopted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? This is an internal rulemaking and filed as adopted.

13) Will this amendment replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Clarifies that the Department issues written and electronic publications, includes the Department's website address, updates addresses for the Department's regional offices and makes minor technical changes.

16) Information regarding these adopted amendments shall be directed to:

Melanie A. Jarvis  
Associate Counsel  
Illinois Department of Revenue



## DEPARTMENT OF REVENUE

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Legal Services Office  
101 West Jefferson  
Springfield, IL 62794  
Phone: (217) 782-6996

The full text of the Adopted Amendments begins on the next page:

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## NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE D: CODE DEPARTMENTS  
CHAPTER XXI: DEPARTMENT OF REVENUE

## PART 1200

## PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

## SUBPART A: PUBLIC INFORMATION

## Section

1200.100 General Information and Taxpayer Assistance  
1200.110 Private Letter Rulings  
1200.120 General Information Letters  
1200.130 Department Publications

## SUBPART B: RULEMAKING

## Section

1200.200 Procedures

## SUBPART C: ORGANIZATION

## Section

1200.300 Department Organization  
1200.310 Regional Offices

## TABLE A Organizational Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 39b19 of the Civil Administrative Code [20 ILCS 2505/39b19].

SOURCE: Adopted at 17 Ill. Reg. 7054, effective May 3, 1993; amended at 24 Ill. Reg. 6943, effective April 21, 2000.

## SUBPART A: PUBLIC INFORMATION

## Section 1200.100 General Information and Taxpayer Assistance

- a) Public information concerning tax Acts administered by the Department of Revenue, tax forms and tax return filing information may be obtained by visiting a Regional Office of the Department of Revenue (for Regional Office locations, see Section 1200.310); by calling one of the following information and assistance lines:

(800) 732-8866  
(217) 782-3336

TTY -- Telecommunications Device

## DEPARTMENT OF REVENUE

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for the hearing impaired  
or by writing:

(217) 785-4270

Taxpayer Information Division  
P.O. Box 19001  
Springfield, Illinois  
62794-9001

- b) General information regarding the Department and various topics of general interest to taxpayers and tax practitioners can be found at the Department's website at [www.revenue.il.state.us](http://www.revenue.il.state.us).

(Source: Amended at 24 Ill. Reg. 6943, effective April 21, 2000)

## Section 1200.130 Department Publications

- a) The Department occasionally publishes Information Bulletins. Information Bulletins are short explanations of changes in law, rules, procedures or basic explanations of topics of interest to taxpayers on various subjects. Information Bulletins have no binding effect on the Department and are designed merely to alert taxpayers to various topics of interest. Information bulletins may not be cited as authority for positions taken by taxpayers relative to a particular issue.
- b) The Department also periodically issues written and electronic publications. These are publications newsletters designed to provide general information about the Department and various topics of general interest to taxpayers and tax practitioners. The information contained in these publications does not represent binding positions of the Department of Revenue, may not be cited as authority for positions taken by taxpayers and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.
- c) Taxpayers and tax practitioners who are interested in being placed on a mailing list to receive some or all of the information bulletins issued by the Department, or the Department's newsletter, may contact the Department's Taxpayer Information information Division at the phone numbers listed in Section 1200.100 above.
- d) The electronic publications mentioned in subsection (b) can be found on the Department's website at [www.revenue.state.il.us](http://www.revenue.state.il.us).

(Source: Amended at 24 Ill. Reg. 6943, effective April 21, 2000)

## SUBPART C: ORGANIZATION

## Section 1200.310 Regional Offices

Regional Offices of the Illinois Department of Revenue are at the following locations:

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## CALIFORNIA

San Francisco-(94134-2595) San Francisco-Executive-Park  
5-Thomas-Mellon-Street  
Suite-258  
415/468-4873

Culver City (90230)  
5839 5855 Green Valley Circle  
Suite 205 386  
310/216-1025

## ILLINOIS

Chicago (60601)  
100 West Randolph  
312/814-3142

Des Plaines (60016)  
Maine North Regional Building  
9511 Harrison Ave.  
847/294-4200 788/294-4288

Evergreen Park (60805-2876)  
9730 South Western Avenue  
Room 304  
708/857-2300

Fairview Heights (62208)  
15 Executive Drive, Suite 2 Suites-1-6-2  
P.O. Box 2080  
618/624-6773

Libertyville-(60848)  
888-S-Milwaukee  
788/918-5588

Marion (62959)  
1107 West DeYoung, Suite 2  
1110-N-Johnson-St.  
P.O. Box 337  
618/993-8183

Park City (6085-6017)  
3211 Belvidere Road  
Rt.120  
847/249-7070

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Peoria (61615-9190 61212-9190)  
2000 1000 West Pioneer Parkway  
Suite 23 Suites-22-6-23  
P.O.-Box-9090  
309/693-5484

Springfield (62794)  
101 W. Jefferson  
217/785-1695 217/782-8033

Rockford (61101)  
200 S. Wyman  
815/987-5210

Rock Island (61201)  
4711-44th St.  
309/788-0149

Urbana (61801-8416)  
1717 Philo Rd., Suite 18  
P.O. Box 3309  
217/333-5741

West Chicago (60185)  
245 W. Roosevelt Rd., Bldg. 4  
P.O. Box 310  
630/293-8300 708/999-0900

## NEW JERSEY

Paramus (07652)  
45 Eisenhower Drive, Suite 2  
Room-2157-120-Route-17-N-Paramus-Plaza-2  
201/845-0255

## OHIO

Cleveland (44131-2540 44131-2217)  
Rock Run North  
6300-Road-Rockside-Suite-302  
5700 Lombardo Center,  
Suite 215  
216/642-0377

## TEXAS

Richardson (75081-1016)  
800-East-Campbell-Road

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Suite-221  
214/680-9921

Garland (75042)  
729 Jupiter Road  
Suite 101  
972/276-2397

(Source: Amended at 24 Ill. Reg. 0840, effective April 21, 2000)



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1) Heading of the Part: General Rules, Definitions

2) Code Citation: 92 Ill. Adm. Code 1000

3) Section Numbers: Adopted Action:  
1000.70 Amendment

4) Statutory Authority: Chapters 11, 2 and 3 of the Illinois Vehicle Code (625 ILCS 5/Ch. 11, 2 and 3) and Section 2-104(b) of the Illinois Vehicle Code (625 ILCS 5/Ch. 6, Art. I).

5) Effective Date of Rulemaking: April 24, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 1447 (January 28, 2000).

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Grammatical and nonsubstantive clarifying changes were made. Also, in Section 1000.70(c), "Policy Manual" was changed to "rules entitled Department of Personal (80 Ill. Adm. Code 420)";.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect?  
Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Staffing levels have fallen to an unacceptably low level. This low level has had a significant and deteriorative effect on the Department's ability to meet its primary mission. The Department of Secretary of State Police is charged with the inspection of approximately 6000 school bus companies with approximately 25,000 bus drivers. Without the additional investigators, these inspections do not occur in a timely manner, thereby placing the well being of school children in jeopardy. This amendment makes technical changes to Part 1000 to comport with statutory changes. The amendment also

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streamlines the process by which Investigator Trainees are hired and promoted to the position of Investigator. The hiring process becomes more equitable by relying solely on a numerical score, rather than a most cumbersome interview process. A probationary period is also included.

16) Information and questions regarding this adopted amendment shall be directed to:

Robert W. Mueller  
Assistant General Counsel  
Driver Services Department  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
217-782-5356

The full text of the adopted amendment begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1000

## GENERAL RULES, DEFINITIONS

Section	Definitions
1000.10	Appointment of Subordinates
1000.20	Reciprocity, Prorate and Forced Registration Review Board (Repealed)
1000.30	Offices of the Secretary of State
1000.40	Forms
1000.50	Certification of Copies of Records
1000.60	Department of Police
1000.70	Enforcement of the Illinois Vehicle Code (Repealed)
1000.80	Hearings (Repealed)
1000.90	Audits and Collections (Repealed)
1000.110	Audit Costs
1000.120	

**AUTHORITY:** Implementing Chapters 11, 2 and 3 of the Illinois Vehicle Code [625 ILCS 5/Ch. 11, 2 and 3] and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed and effective December 15, 1970; amended at 6 Ill. Reg. 2239, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 7152, effective May 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11067, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 6 Ill. Reg. 15040, effective December 1, 1982; amended at 7 Ill. Reg. 13677, effective October 14, 1983; amended at 8 Ill. Reg. 5353, effective April 6, 1984; amended at 9 Ill. Reg. 2326, effective February 1, 1985; amended at 13 Ill. Reg. 5185, effective April 1, 1989; amended at 13 Ill. Reg. 11844, effective July 1, 1989; emergency amendment at 24 Ill. Reg. 1681, effective January 14, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6950, effective APR 24 2000.

## Section 1000.70 Department of Police

- The investigators authorized pursuant to Section 2-115 of the Illinois Vehicle Code [625 ILCS 5/2-115] shall be appointed by the Secretary and organized into the Department of Police.
- The Department of Police, which is headquartered in Springfield, Illinois, shall have District headquarters throughout Illinois to enable the Department to best distribute its supervisory responsibilities and work load.
- The employees of the Department of Police shall be subject to the Secretary of State Merit Employment Code [15 ILCS 310]; ~~Ill. Rev. Stat. 1987, ch. 124, par. 101-et-seq.} and the Office of the Secretary of State's rules entitled Department of Personnel (80 Ill. Adm. Code~~

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4201; ~~Department of Police's--Policy--Manual and the Department of Police General Orders. Where there is conflict between the policies of the Office and the General Orders of Police, the Office policies shall prevail.~~

## d) Sworn personnel

- Sworn personnel shall mean the peace officers within the Department of Police.
- The grades of sworn personnel, from lowest to highest, shall be Investigator Trainee, Investigator, Investigator Sergeant, Investigator Lieutenant, and Investigator Commander. Position descriptions for these employees shall be established by the Department of Personnel in accordance with Section 10a of the Secretary of State Merit Employment Code and 80 Ill. Adm. Code 420.210. Sworn personnel shall be selected according to the following procedures:
  - Application and Testing Procedures. Any applicant must complete or pass successfully each of the following application procedures before proceeding to the next procedure.
    - The filing of the standard personnel form application.
    - A written entrance examination developed for police officers with general testing areas including, but not limited to, mathematics, logic, reading comprehension, scoring the highest score among the potential applicants. If two or more applicants have a tied score, and have passed the other requirements for the position, selection of the candidate shall be by an interview conducted by the Department of Personnel with a passing score of an A.
    - A physical ability test, consistent with the physical ability standards set forth by the Illinois Police Officer Training and Standards Board ~~Governmental--Law--Enforcement--Officers--Training--Board~~ (20 Ill. Adm. Code 1720.20. Appendix A) prior to the for entrance into to any of the Illinois certified basic police academies.
    - Two oral interviews--by different panels--of sworn officers--of--the--Department--in--the--grade--of--at--least Investigator--Sergeant--to--determine--the--applicant's qualifications--and--suitability--for--employment--in--the Department--of--Police.
    - A background investigation to determine if the applicant has any criminal convictions and to verify that all information contained in the applicant's application is true and accurate. A--background investigation--for--any--convictions--to--verify--the--applicant's--education--record--and--a--credit--check.
    - A medical and a psychological examination using

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standard criteria.

- B) A Veterans veterans preference points in accordance with 80 Ill. Adm. Code 420.300(c) will be given to persons who are honorably discharged from any armed force of the United States or any State National Guard.
- C) Each person newly hired into the Department shall start as an Investigator Trainee shall have with a 9 12 month training period. (80 Ill. Adm. Code 420.320). Upon successful completion of the training period, that person shall be promoted to appointed an Investigator position and shall serve 7 with a 3 months month probationary period (80 Ill. Adm. Code 420.360).
- D) Applicants may submit their applications for consideration whenever a vacancy occurs.
- E) Each person newly hired into the Department as an Investigator shall have a 6 months probationary period as defined in 80 Ill. Adm. Code 420.130. Every applicant must serve at least 24 months as a sworn officer in the Department of Police. Any person who during the first 24 months voluntarily resigns shall pay to the Secretary of State that portion of the training expenses expended which shall remain after subtracting from 24 months the number of months served in the Department of Police. All successful applicants shall sign an agreement to repay these expenses. Refusal or failure to sign this agreement shall be grounds for termination.
- e) Miscellaneous provisions pertaining to the Department of Police
- 1) The Department of Police shall collect a storage fee in the amount of \$5 per day from any person or entity owning a vehicle which is stored on Secretary of State property for any reason. the sum of \$5 per day. Such fees shall be deposited in the Road Fund.
  - 2) The Department of Police, to implement Section 3-308 of the Illinois Vehicle Code 1-1-1, shall operate inspection stations at various locations throughout Illinois as the workload of inspecting rebuilt and salvage vehicles requires.
- (Source: Amended at 24 Ill. Reg. 6950, effective APR 24 2000)

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers: 1030.60  
Adopted Action:  
Amendment

4) Statutory Authority: Section 2-104(b) and 6-521(a) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-106(b) and 6-521(a)] and Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I].

5) Effective Date of Rulemaking: April 24, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 1449 (January 28, 2000)

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Made grammatical and nonsubstantive clarifying changes. In Section 1030.60(j)(1), specified subsections. In Section 1030.60(d)(16), added CFR citation. In Section 1030.60(d)(14), added reference to the Highway Safety 2000 Advisory Task Force.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect?  
Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking is being adopted in order to require commercial driver's license applicants to hold a valid instruction permit for a period of 2 weeks prior to being skills tested and certified by a third party. This rulemaking will require commercial driver's license applicants to obtain from the Secretary of State an instruction permit for the specific vehicle classification in which they intend to be licensed, and that the applicant produce said instruction



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permit before the skills test and certification by a third-party entity. It will also require a minimum training period for commercial drivers who receive certification through a third-party entity and will require third-party entities to notify the Secretary of State of a driver's termination of employment, if said driver's employment lasted less than six months. In addition, this rulemaking will require third-party testing entities to maintain a rating issued by the U.S. Department of transportation of at least "Satisfactory" or "Conditional". Any third-party entity that has received an "Unsatisfactory" rating from the U.S. Department of Transportation shall be prohibited from conducting third-party testing pending a subsequent U.S. Department of Transportation rating of "Satisfactory" or "Conditional".

16) Information and questions regarding this adopted amendment shall be directed to:

Robert W. Mueller  
Assistant General Counsel  
Driver Services Department  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
217-782-5356

The full text of the adopted amendments begins on the next page:

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE  
PART 1030  
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers-References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening with Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts - Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses
1030.96	Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Commercial Driver's License
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License

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APPENDIX A Questions Asked of a Driver's License Applicant  
 APPENDIX B Acceptable Identification Documents

**AUTHORITY:** Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992,

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effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective APR 24 2000.

**Section 1030.60 Third-Party Certification Program**

a) The Secretary of State shall adopt the following definitions for the terms listed as follows:

"Branch Facility" - a separate instructional facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" - any day on which the Office of the Secretary of State is open; Monday through Saturday, excluding State holidays.

"Candidate for Employment or by Membership" - one who is offered a written contract of employment contingent upon successfully completing the training course.

"CDL Skills Test" - test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Commercial Driver's License (CDL)" - a driver's license issued by a state to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. [625 ILCS 5/6-500(3)]

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Applicant" - an individual employed by or otherwise a candidate for employment or by membership, with a third-party certifying entity, who participates in the third-party certification program.

"Fraud" - includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Motor Vehicle" - any properly registered vehicle meeting the description of the vehicle group of the class the driver

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applicant operates, or expects to operate.

"Non-CDL Skills Test" - any drive test given to an applicant who is attempting to obtain a driver's license except for a D classification, a CDL or a CDL endorsement.

"Passenger Endorsement" - an indication on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Restriction" - requirement or condition added to a driver's license which ~~must~~ might first be met by the license holder before he/she may legally operate a motor vehicle.

"Safety Officer" - any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that a driver applicant has been tested and meets the same qualifications required by the Secretary of State.

"Secretary of State" - Illinois Secretary of State.

"Third-Party Certification License" - a license issued by the Secretary of State to conduct a qualified third-party certification program, pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508].

"Third-Party Certification Program" - a program designed by the Secretary of State allowing third-party entities to provide to employees and candidates for employment or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that a driver applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508].

"Third-Party Certifying Entity" - any third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Training Vehicle" - a motor vehicle registered and insured by a licensed Commercial Driver Training School in accordance with Section 6-410 of the Illinois Vehicle Code [625 ILCS 5/6-410] and 92 Ill. Adm. Code 1060.110(d)(7) and used for the sole purpose of training and testing.

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b) The Secretary of State shall not require an actual demonstration of the ability of the driver applicant to operate and exercise ordinary and reasonable control of a motor vehicle for purposes of third-party certification programs, if the third-party certifying entity complies with the following requirements:

- 1) License Required: - No person, firm, association, partnership or corporation shall operate a third-party certification program, unless a license has been issued by the Secretary of State.
- 2) Certify Only Employees or Members: - A third-party certifying entity shall certify only those driver applicants who are employed and on the payroll of the entity, or are members at the time of certification.
- 3) An entity may test and certify individuals who are not employees or members provided the entity meets ~~entities meet~~ the following conditions:

A) The entity must own or lease at least ~~7 seven-77~~ training vehicles in the classification for the appropriate ~~in--which~~ they skills test.

B) The entity must maintain at least ~~7 seven-77~~ licensed safety officers who must skills test a minimum of ~~12 twelve~~ ~~117~~ employees or candidates for employment or membership within a 12-month period.

C) In the event the entity is a driving school, the instructor who gives the preponderance of training to a driver applicant cannot administer the skills test to the driver applicant.

D) The driver applicant must be a candidate for employment and be eligible to be employed by the third-party entity upon successfully completing and passing all of the requirements of the third-party certification program and obtaining a CDL.

E) The third-party certifying entity must employ 75 percent ~~seventy-five percent-75%~~ of those driver applicants who successfully complete the third-party certification program and obtain a CDL.

F) Any applicant for certification as a third-party tester may submit with its application a request for a waiver of the requirement that the third-party tester employ a minimum of 75 percent ~~%~~ of those tested. Such request shall include the following:

- i) Number of drivers employed by the applicant.
- ii) Distance from the Department's nearest driver examination point.
- iii) Estimated number of employees per year who will require CDL skills testing.
- iv) Additional information to support waiver request.
- v) The Department will consider the request and notify the applicant in writing of its decision after



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reviewing and evaluating the application.

G) Any fees due from individuals tested may not be accepted by the entity until after 60 sixty-(60) days after successful completion of the training program, or the individual is no longer employed by the entity or has declined the offer of employment.

H) The entity must have a training program that meets the requirements contained in 49 CFR 383.110-121 (1995) (49 USC 40502-3102; 49 USC 40506- App. 12701 et seq.; 49 CFR 40502-1.48). (No later amendments are incorporated herein.)

i) The entity must submit a copy of its training program to the Secretary of State for approval.

ii) The entity must follow the approved training course and maintain its training records for 4 four-(4) years.

I) The entity must provide copies of contract forms, between the entity and individuals tested, to the Secretary of State.

J) The entity must have a minimum of 300 square feet of classroom space.

K) Any third-party entity testing individuals who are not employees or members will have a sample percentage of certified driver applicants reexamined annually in accordance with Federal regulations (49 CFR 383.75(a)(2)(iv)).

c) Issuance and Renewal of Licenses

1) When an application is submitted for an original third-party certification license, or safety officer license, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Secretary of State pursuant to the requirements contained in subsections (d) and (i) of this Section.

2) When an application is made for the renewal of an existing third-party certification license or a safety officer license, the applicant shall have the authority to continue to conduct business as a third-party certifying entity or a safety officer until the renewal application is granted or denied by the Department, provided the application has been filed in a timely manner as provided in subsection (f)(4) of this Section. The application for the said license shall be made in the same manner as an application for a original third-party certification license or safety officer license.

3) Licenses may not be assigned. No individual, partnership, association, or corporation may sell, assign, barter or trade a third-party certification license or safety officer license issued by the Secretary of State.

4) The Secretary may allow entities, otherwise ineligible to be licensed as a third-party certifying entity, to conduct a

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third-party certification program on a trial basis, not to exceed 1 one year. At the close of the trial period, the Secretary will determine whether the entities participating in the pilot program shall be granted third-party certification entity status under this Section Rule.

d) Requirements - Third-Party Certification Entities

1) The entity shall have at least 1 one employee who is licensed or qualified to be licensed as a safety officer for the third-party certification program. Entities certifying non-members or non-employees must employ 7 seven-(7) licensed safety officers as provided in subsection (b)(3)(B) of this Section.

2) The entity shall have a regularly established place of business in the State of Illinois and operate or have access to appropriate vehicles, with the exception of employers having a regular place of business in a contiguous state, e.g., Indiana, Missouri, Wisconsin, Iowa and Kentucky. Any entity having its their headquarters in a border state and wishing to participate in the third-party certification program, shall have an appointed agent, for purposes of this program, who is licensed as a safety officer and holds a valid Illinois driver's license or a CDL issued by a contiguous state.

3) The entity shall submit to the Department a copy of any subcontract of services described in this Part.

4) The entity shall have a prescribed physical driving course for each location and be required to meet a driving skills test with the same minimum standards as the course used for examination by the Secretary of State (92 Ill. Adm. Code 1030.85).

5) The entity shall have access to a properly registered motor vehicle which meets the definition of the vehicle group of the classification that the driver applicant operates or expects to operate. Entities certifying non-members or non-employees must maintain at least 7 seven-(7) owned or leased training vehicles as provided in subsection (b)(3)(A) of this Section.

6) The entity shall provide the driver applicant, who takes and passes the skills tests, with documented proof (Secretary of State's driver test form) of the same, which shall evidence to the Department that the individual has successfully passed the skills tests administered by the third-party certifying entity.

7) The entity shall collectively submit completed application forms to the Department for each main office, branch office and safety officer.

8) The entity shall have and use a business telephone listing for all business purposes.

9) If a licensed safety officer is temporarily suspended, laid-off or discharged by a third-party certifying entity, the entity shall immediately notify the Secretary of State, on forms furnished by the Secretary of State, of the name, address and license number of the safety officer, such officer's termination

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date and reason for termination. In all cases where a safety officer has ceased working for the third-party certifying entity, the safety officer must surrender his/her license to the Secretary of State.

## 10) Facility

A) The established place of business of each third-party certifying entity must consist of at least the following permanent facilities:

- i) an office facility;
- ii) appropriate space (an area at least 15 feet wide by 100 feet long) to conduct all basic control skills tests (92 Ill. Adm. Code 1030.85).

B) A third-party certifying entity which has an established place of business may operate a branch facility provided the branch facility meets all requirements of the main facility pursuant to subsections (d)(10)(A) and (d)(10)(D) of this Section.

C) Upon receipt by the Secretary of State of a written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if it complies with the provisions of this Section ~~rate~~, shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.

D) Location must comply with public health and safety standards contained in the Public Building Egress Act [415 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].

11) Records - All third-party certifying entities licensed by the Secretary of State must maintain a record showing the name and address of each driver certified by the entity, the instruction permit or driver's license number of every driver certified, and the results of the final skills test, including endorsements, given to each driver applicant, the name of the safety officer who administered the skills test and the license plate number of the vehicle used to conduct the test.

A) All records must be maintained for a period of 4 ~~four~~ years.

B) Proof of eligibility for certification and final skills tests results for each driver applicant must be kept at the location where the road test was given.

C) Maintain proof of training course completion for each individual CDL certified who does not hold a valid CDL at the time of testing on the form provided by the Secretary of State, or an equivalent form approved by the Secretary of State.

12) Auditing - CDL Driving Skills Test

A) All third-party certifying entities must allow the Secretary

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of State and, Federal Highway Administration or its representatives, to conduct random examinations, inspections, and audits without prior notice pursuant to 49 CFR 385.85, including audits of employment records of individuals certified by the third-party certification entity.

B) All third-party certifying entities must allow the Secretary of State to conduct on-site inspections at least annually.

C) The Secretary of State or his designee shall annually re-examine a sample percentage of the certified driver applicants to compare pass/fail results and determine the percentage of certified driver applicants employed by the third-party certifying entity.

- i) If the results of the random examination reflect a failure rate greater than the current Secretary of State's acceptable failure rate of 20 percent, the third-party entity will be notified in writing of the need to retrain the failed applicants.
- ii) The retraining must be completed within 30 days, at which time the trainee must be referred to the Secretary of State to be skills tested.
- iii) The Commercial Driver Training School section will determine the location and time of the Secretary of State retests.

13) Display of Licenses - Each third-party certifying entity shall display in a prominent place at the established place of business the following:

- A) The State ~~state~~ license issued to the third-party certifying entity; and
- B) Safety officer licenses of all safety officers employed by the third-party certifying entity.

14) Provide a minimum 2 week training course to each individual who is CDL certified pursuant to the recommendations of the Highway Safety 2000 Advisory Task Force and who does not hold a valid CDL at the time of testing that meets the requirements of 49 CFR 383.110-121 (1995) (49 USC 3102; 49 USC App. 12701; 49 CFR 1.49).

15) The third-party certification entity must provide the Secretary of State with the names of all individuals that were tested and certified from a non-CDL classification to a CDL classification by the entity whose employment/membership has been terminated up to 6 months after the date of certification.

A) The Secretary of State will cite these individuals to be retested in a representative vehicle in order for the individual to maintain the license classification in which they were originally certified.

B) The Secretary of State will provide each entity with a Verification of Continual Employment form to assist the third-party certification entity in determining the names of

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the individuals who have terminated their employment/membership up to 6 months after being certified.  
 16) The entity may not have a current unsatisfactory rating from the U.S. Department of Transportation (see 49 CFR 385.3).

## e) Skills Tests

- 1) Any CDL skills tests administered by the third-party certifying entity must be conducted as specified in Subparts G and H of 49 CFR Section 383.
- 2) Driving Skills - The entity shall have a prescribed physical driving course for each location and must be required to administer a skills test with the same minimum standards as that which would be used given by the Secretary of State (see 92 Ill. Adm. Code 1030.85-1).
- 3) Pre-Trip Inspection - Where applicable, the entity shall test the driver applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:
  - A) locate and verbally identify air brake operating controls and monitoring devices;
  - B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;
  - C) inspect low pressure warning devices device(s) to ensure they will activate in emergency situations;
  - D) ascertain, with the engine running, that the system contains an adequate supply of compressed air;
  - E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and
  - F) operationally check the brake system for proper performance.
- 4) Restrictions and/or Endorsements - Third-party certification entities conducting road tests for restrictions and/or passenger endorsements must meet a skills test with the same minimum standards as an exam offered by the Secretary of State for the restriction and/or endorsement (see 92 Ill. Adm. Code 1030.92-1).
- 5) Third-party certifying entities conducting road tests for motorcycle and non-CDL classifications are not bound by subsections points (e)(1) through (4) above, but instead must meet a driving skills test which shall be prescribed by the Secretary of State for these classifications and judged by the same minimum standards (92 Ill. Adm. Code 1030.85-1).
  - A) Motorcycle skills tests must include at least the following:
    - i) basic vehicle control skills;
    - ii) safe driving skills;
    - iii) visual search;
    - iv) speed and space management; and

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- v) mounting and dismounting.
- B) Non-CDL skills tests must include at least the following:
  - i) basic vehicle operation;
  - ii) safe driving skills;
  - iii) speed and attention;
  - iv) lane and right of way observance;
  - v) obeying traffic control devices;
  - vi) use of special equipment.
- 6) Require Instruction Permit - Before a driver applicant may be skills tested and certified by a third-party entity, the driver applicant must obtain an instruction permit from the Secretary of State for the specific vehicle classification in which he/she intends to be licensed. The driver applicant must hold a valid instruction permit for a period of at least 2 weeks prior to being skills tested and certified by a third-party entity, if not currently licensed in the classification representative of the vehicle the applicant intends to drive. Require instruction Permit--Before--a--driver--applicant--may--be--certified--by--a third-party--certifying--entity--the--driver--applicant--must--first obtain--an--instruction--permit--from--the--Secretary--of--State--for--the specific--vehicle--classification--in--which--they--intend--to--be licensed--if--not--previously--licensed--in--a--classification representative--of--the--vehicle--the--applicant--intends--to--drive.
- f) Issuance and Renewal of Third-Party Certifying Entity Licenses
  - 1) Issuance of Licenses to Third-Party Certifying Entity - The Secretary of State shall issue a license to conduct a third-party certification program when the Secretary of State is satisfied that the entity applying for a third-party certification license has met the requirements under this Section Rule.
  - 2) Expiration of Licenses - All outstanding licenses issued to any third-party certifying entity shall expire 3 three-(3) years from the date the license was issued unless sooner canceled, suspended, or revoked under the provisions of subsection (g) of this Section.
  - 3) Renewal of Licenses - The license of each third-party certifying entity may be renewed subject to the same conditions as the original license.
  - 4) Licenses - Form and Filing - All applications applicants for renewal of a license shall be on a form prescribed by the Secretary of State and must be filed with the Secretary not less than 30 thirty--(30) days preceding the expiration date of the license to be renewed.
- g) Denial, Cancellation, Suspension, and Revocation of Third-Party Certifying Entity Licenses
  - 1) The Secretary of State shall deny an application for a third-party certifying entity license or renewal:
    - A) to any entity that submits a fraudulent application.
    - B) to any entity that currently employs individuals also



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- employed by the Secretary of State.
- C) to any entity that owes outstanding fees to the Secretary of State.
- D) to any third-party certifying entity that lacks a safety officer.
- E) to any third-party certifying entity that fails to meet location standards:
- i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].
  - ii) fails to have a telephone that is registered registers to the third-party certification entity.
- F) to any third-party certifying entity with a current unsatisfactory rating from the U.S. Department of Transportation.
- 2) The Secretary of State shall cancel a third-party certifying entity license for failing to correct, after being served written notice giving 5 five-5 business days to correct, any violation of the following regulations and laws governing third-party entities:
- A) the entity employs individuals, also employed by the Secretary of State.
  - B) the entity owes outstanding fees to the Secretary of State.
  - C) the third-party certifying entity lacks a safety officer.
  - D) the third-party certifying entity fails to meet location standards:
    - i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].
    - ii) fails to have a telephone that registers to the third-party certification entity.
  - E) the entity currently has an unsatisfactory rating from the U.S. Department of Transportation.
- 3) The Secretary of State shall suspend a third-party certifying entity's license 3 up-to-3 months, depending upon the severity of the infraction, upon evidence of the following:
- A) improper recordkeeping in violation of subsection (d)(11) of this Section.
  - B) failure by the entity's certified driver applicants to pass skills tests upon re-examination, pursuant to subsections (c) and (d)(12) and-(e) of this Section.
  - C) any violation of this Part.
  - D) failure to provide the required training to individuals that were CDL certified and did not hold a valid CDL at the time

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- of testing.
- E) failure to notify the Secretary of State with names of individuals that were certified from a non-CDL classification to a CDL classification and whose employment/membership was terminated up to 6 months after the date of certification.
- 4) The Secretary of State shall suspend a third-party certifying entity's license up to 6 six--6 months, depending upon the severity of the infraction, upon evidence of the failure to produce records upon demand of the auditing agency.
- 5) The Secretary of State shall suspend a third-party certifying entity's license up to 1 one--1 year, depending upon the severity of the infraction, if it is discovered the entity is certifying applicants who have not obtained instruction permits and/or have not maintained such instruction permits for at least 2 weeks prior to testing and certification. have--not--been previously--licensed--in--a--classification--representative--of--the vehicle--the--applicant--intends--to--drive--
- 6) The Secretary of State shall revoke the third-party certifying entity's license upon evidence of the following:
- A) the entity submitted a fraudulent application.
  - B) if the entity engages in or permits any type of fraudulent activity, either with reference to any certified individual or the Secretary of State.
- h) Issuance and Renewal of Safety Officer License
- 1) Issuance of Licenses to Safety Officers - The Secretary of State shall issue a license to each safety officer when the Secretary of State is satisfied that such person has met the qualifications required under this Section Rule. Each third-party certification safety officer license shall authorize the licensee to test for only the employer indicated on the license, except when the safety officer is employed by an entity providing contractual services to the third-party certification entity.
  - 2) An individual may be issued 2 two--2 safety officer licenses in the following combinations:
    - A) as a safety officer for 2 two--2 governmental agencies, or
    - B) as a safety officer for a private entity and a governmental agency.
  - 3) Expiration of Licenses - All outstanding licenses issued to any safety officer shall expire on the date the third-party entity license expires, unless sooner canceled, suspended, or revoked under the provisions of subsection (i) of this Section.
  - 4) Renewal of Licenses - The license of each safety officer may be renewed subject to the same conditions as the original license.
  - 5) Licenses - Form and Filing - All applications for renewal of a safety officer license shall be on a form prescribed by the Secretary of State and must be filed with the Secretary not less than 30 thirty--30 days preceding the expiration date of the

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license to be renewed.

i) Safety Officer

1) Requirements. The Secretary of State shall not issue a safety officer license:

- A) unless the safety officer applicant is 21 years of age.
- B) if the applicant fails to properly make application for such license.
- C) if the applicant submits a fraudulent application.
- D) if the applicant owes outstanding fees to the Secretary of State.
- E) if the applicant's driver's license is currently canceled, suspended or revoked.
- F) unless the safety officer applicant is employed by a third-party certifying entity.
- G) unless the safety officer applicant has, for at least 2 two ~~two~~ <sup>two</sup> years immediately preceding application, a valid driver's license in the specific classification in which he/she intends to test and, if intending to skills test school bus permit applicants, a current, valid school bus driver permit.

H) to any person intending to skills test CDL driver applicants or school bus permit applicants who:

- i) has not completed the third party CDL training session administered by the Secretary of State, Driver Services Department's Commercial Driver Drivers Training section. The written test will consist of 30 questions pertaining to Secretary of State Examiners Guide for CDL and will be offered by the department at periodic intervals. In order to pass the written test an individual shall answer at least 24 questions correctly. The third party school bus program will have an additional 10 questions and the individual must answer 8 questions correctly in order to pass.
- ii) has not passed a CDL skills examination in the classification and/or endorsements in which they intend to skills test. The department will offer this examination at periodic intervals. Each applicant will be given a maximum of 3 three ~~three~~ <sup>three</sup> opportunities in a twelve month period to pass the commercial driver's license safety officer examination. An applicant for a commercial driver's license safety officer may be allowed to attempt the road test a second time in the same day during normal business hours of the Driver Services facility if he/she fails the first attempt to pass the road test. However, if the applicant demonstrates a danger to the public safety during his/her first attempt to pass a road test, he/she will not be allowed to make a second or subsequent attempt

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during the same day. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which he/she failed the previous attempt. Individuals who have failed their third examination must wait at least 1 one ~~one~~ <sup>one</sup> year from the date of the third failure before making a new application.

- I) to any person whose driver's license has been suspended or revoked, within a period of 5 five ~~five~~ <sup>five</sup> years after ~~of~~ the date of application.
  - J) to any person who fails to properly make application for such safety officer's license or otherwise indicates that he/she is unqualified to receive such a license.
  - K) to any person who is currently a salaried employee of the Secretary of State.
  - L) to the applicant who does not meet the requirements provided in subsection (i)(1)(H) of this Section.
  - M) to the applicant who does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.
  - N) to any applicant who has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof.
  - O) to any individual who has failed to comply with the provisions of this Part ~~these~~ <sup>these</sup> Rules.
- 2) Denial of License. The Secretary of State shall deny a safety officer's license upon evidence that:
- A) the applicant has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; or and ~~and~~ reckless homicide or reckless driving, or is suspended under Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code within 5 years prior to the date of application.
  - B) the applicant fails to properly make application for such license.
  - C) the applicant is not employed by a third-party certifying entity.
  - D) the applicant is currently a salaried employee of the Secretary of State.
  - E) the applicant is not at least 21 years of age.
  - F) the applicant submits a fraudulent application.
  - G) the applicant owes outstanding fees to the Secretary of State.
  - H) the applicant's driver's license is currently canceled, suspended or revoked.
  - I) the applicant's driver's license has been suspended or

## SECRETARY OF STATE

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revoked within a period after of 5 five-5 years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.

J) the applicant has not held, for at least 2 two--2 years immediately preceding application, a valid license in the classification and/or endorsement in which he intends to test, or the equivalent under the classification system prior to April 1, 1990.

K) the applicant does not meet the requirements provided in subsection (i)(1)(H) of this Section.

L) the applicant does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.

3) The Secretary of State shall immediately cancel a safety officer's license upon evidence that:

A) the individual's driver's license is currently canceled, suspended or revoked.

B) the individual's driver's license has been suspended or revoked within a period of 5 five-5 years after of the date of application. However, suspensions related to auto emissions and parking are exempt from the 5 five year period after the suspension is terminated.

C) the individual has not held, for at least 2 two-2 years immediately preceding application, a valid license in the classification in which he/she intends to test or the equivalent under the classification system prior to April 1, 1990, unless it is a CDL classification or endorsement.

D) the individual intends to skills test CDL driver applicants, but has not received training equivalent to that given to Secretary of State examiners administering CDL driving skills tests.

E) the individual is no longer employed by the third-party certification entity or no longer has a valid license.

F) the individual is currently a salaried employee of the Secretary of State.

G) the individual owes outstanding fees to the Secretary of State.

H) the individual fails to administer a minimum of 12 twelve skills tests to candidates for employment or membership as required in subsection (b)(3)(B) of this Section.

4) The Secretary of State shall suspend a safety officer's license: A) if it is discovered the safety officer is certifying applicants who have not obtained instruction permits<sup>7</sup> and/or have not maintained such instruction permits for at least 2 weeks prior to testing and certification.

B) for improper record keeping in violation of subsection

(b)(11) of this Section Part; and  
C) upon any violation of this Part.

5) The Secretary of State shall revoke a safety officer's license upon receipt of evidence that:

A) the individual has been convicted of driving under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; or and reckless homicide or reckless driving, or is suspended under Sections 6-206(a)(3) or 11-501.1 of the Illinois Vehicle Code within 5 years prior to the date of application.

B) the individual submits a fraudulent application.

C) the individual engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State, which includes but is not limited to certifying a person not eligible.

6) The Secretary of State shall have the discretionary authority to issue warning letters to third-party certifying entities or safety officers for violations of the regulations and laws governing commercial driver training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

j) Hearings

1) Prior to the denial of a third-party entity and/or safety officer's license, the Department shall send written notice to that person and/or entity. If a formal hearing is requested, the request must be in writing during the notice period. The basis for denial of a license is stated in subsections (g)(1) through (6) and (i)(2)(A) through (L) of this Section ~~this administrative~~ code.

2) Prior to the suspension or revocation of the license or accreditation of a third-party certifying entity or safety officer, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 1001, Subpart A and Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], wherein the Department will present competent evidence to establish violations of any regulations or laws governing third-party entities and/or safety officers and seek the appropriate sanctions in accordance with this Section.

k) Review Under Administrative Law. Judicial Review - The action of the Secretary of State in canceling, suspending, revoking or denying any license under this Act shall be subject to judicial review in the Circuit Court of Sangamon County or the Circuit Court of Cook County, pursuant to Section 2-118 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-118] and the provisions of the Administrative Review Law [735 ILCS 5/Art. 3]. All the provisions and modifications thereto, and all the rules adopted thereto, are hereby adopted and shall apply to and govern every action for judicial review of the final acts or decisions of the



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Secretary of State under this Section.

(Source: Amended at 24 Ill. Reg. 6955, effective                     .)

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employee's Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Number: Adopted Action:  
1540.225 Amendment
- 4) Statutory Authority: 40 ILCS 5/Art.14
- 5) Effective Date of Amendments: April 20, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do the amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill Reg 46, January 3, 2000
- 10) Has JCAR issued a Statement of Objection to the amendments? No
- 11) Differences between proposal and final version: The first sentence of 1540.225 f) has been changed from "If an irrevocable payroll deduction becomes delinquent, then the member shall bring the payments current within 120 days after the original delinquency by payroll deduction." to read "If an irrevocable payroll deduction becomes delinquent, then the member shall bring the payments current, by payroll deduction, within 120 days after the original delinquency."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will the amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on the Part? No
- 15) Summary and Purpose of Amendments: Amends the pickup option for optional service contributions rule, adding suspending the irrevocable payroll deduction election for layoff, strike or disability.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Michael L. Mory, Executive Secretary

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

State Employees' Retirement System of Illinois  
P.O. Box 19255 - 2101 South Veterans Parkway  
Springfield, Illinois 62794-9255  
1-217-785-7444

The full text of the adopted amendments begins on the next page.

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## PART 1540

## THE ADMINISTRATION AND OPERATION OF THE

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Section	
1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal From the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions By the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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- 1540.320 Optional Forms of Benefits - Basis of Computation  
 1540.330 Board Elections  
 1540.340 Excess Benefit Arrangement  
 TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 833, effective \_\_\_\_\_.

## Section 1540.255 Pick-up Option for Optional Service Contributions

- a) "Member" as used in this Section means any person who is entitled to reinstate past service credits previously refunded or purchase permissive service credits under the Act creating the State Employees' Retirement System of Illinois.
- b) A member choosing to make contributions for the reinstatement (purchase) of past service credits previously refunded or the purchase of permissive service credits shall have the option to have those contributions treated as either after-tax or before-tax (picked up) contributions. In order for contributions for the reinstatement of

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past service credits or purchase of permissive service credits to be considered as picked up (before-tax) contributions under Section 414(h)(2) of the Internal Revenue Code (Code), the member must make an irrevocable election to have the contributions made by payroll deduction through the Comptroller's office by providing a copy of the election to the member's payroll officer. Any contributions for the purchase of past service credits or permissive service credits which are made directly by the member or when the payroll deduction election is not irrevocable will be considered as after-tax contributions (not picked up).

c) The member wishing to make contributions for the purchase of past service credits previously refunded or permissive service credits shall have the following contribution options:

- 1) The contributions may be made directly by the member in installments or by a lump sum payment and the contributions may be terminated by the member at any time;
- 2) If the member is receiving compensation for personal services rendered, on a warrant issued pursuant to a payroll voucher and which is drawn by the State Comptroller upon the State Treasurer, the contributions may be made by voluntary payroll deduction and the payroll deduction may be terminated by the member at any time; or
- 3) If the member is receiving compensation for personal services rendered, on a warrant issued pursuant to a payroll voucher drawn by the State Comptroller upon the State Treasurer, the contribution may be made by an irrevocable payroll deduction by which the member chooses to have the contributions picked up by the employer under the Code.

Only the contribution method described in subsection (c)(3) will qualify the contributions as contributions picked up by the employer for Code purposes. Those members electing to make such contributions pursuant to subsection (c)(3) shall complete and sign an irrevocable payroll authorization form provided by the State Employees' Retirement System (System). That form must be provided to both the System and the member's payroll officer.

d) The irrevocable payroll deduction form must indicate:

- 1) the total amount to be deducted;
- 2) the amount per pay period to be deducted; and
- 3) the total number of pay periods (one or more) over which the designated amount is to be deducted.

All payroll deduction payments must be completed no later than the final payroll payment made to the member in conjunction with the member's retirement or termination from employment. The payroll deduction form when executed must be on such terms as would result in the payment, by the member's anticipated retirement date, of the necessary amounts to purchase the permissive service credit or the service credits previously refunded. During the period of the irrevocable payroll deduction no voluntary payments will be accepted



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by the System from the member towards the purchase of past service credits or for the purchase of permissive service credits for which an irrevocable payroll deduction is in place. The amount to be withheld per pay period need not be the same amount for each pay period.

e) The irrevocable payroll deduction election of the member shall remain in effect until the earlier of:

- 1) the payroll deductions or the purchase of the service credits as indicated in the form are completed;
- 2) the death of the member;
- 3) the member is disabled from performing his/her services as an employee for more than one year;
- 4) the member is absent from employment due to layoff or strike for more than one year;
- 5) employment is terminated either voluntarily or involuntarily; or
- 6) the payroll deduction is 120 days delinquent, either in whole or in part.

f) If an irrevocable payroll deduction becomes delinquent, then the member shall bring the payments current, by payroll deduction, within 120 days after the original delinquency. Absence from employment due to layoff, strike or disability will not be construed as a delinquency in the payroll deduction. Failure to bring a delinquent payment current within 120 days after the original delinquency will result in termination of the member's irrevocable election with all contributions made by the member under the irrevocable payroll deduction being refunded to the member less the appropriate tax withholding. The right to make up a delinquency cannot be used for the purpose of amending or modifying the terms of the original irrevocable payroll deduction election.

g) In the case of the death of a member, the irrevocable payroll deduction will terminate and the member's account will be granted partial service credit based upon contributions made to the date of death as described in Section 1540.250.

h) In case of retirement, termination of employment of the employee or absence from employment in excess of one year due to layoff, strike, or disability, the member will have the choice of making an after-tax lump-sum payment in the amount of the balance due to complete the purchase of the service credits originally intended or, in the alternative, the amounts contributed to date under the irrevocable payroll authorization will be refunded, less appropriate tax withholding. Any such after-tax lump-sum payment must be made no later than 30 days after the member has been notified by the System of the amount of the lump-sum payment.

i) A member shall be considered as being "disabled from performing his/her services as an employee" when the member has been granted a leave by the employer because the member is physically or mentally unable to perform the duties of the job.

j) A member who is changing job positions but will still be employed by the State of Illinois may substitute an irrevocable payroll deduction

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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in the new position for the irrevocable payroll deduction effective in the former position so long as the terms of the new payroll deduction are not changed, except to make up any delinquency resulting from a break in service between positions. In such a case the irrevocable payroll deduction election will not terminate as provided for in subsection (e)(4) of this Section unless the provisions of subsection (e)(5) of this Section would require termination of the election.

if an irrevocable payroll deduction becomes 120 days delinquent, either in whole or in part, the election of the member to have the contributions picked up will be cancelled and all contributions made by the member under the irrevocable payroll deduction shall be refunded to the member less the appropriate tax withholding. In the case of the death of a member, the irrevocable payroll deduction will terminate and the member's account will be granted partial service credit based upon contributions made to the date of death as described in Section 1540.250. In the case of retirement, termination of employment or disability of the employee, the member will have the choice of making an after-tax lump-sum payment in the amount of the balance due to complete the purchase of the service credits originally intended or, in the alternative, the amounts contributed to date under the irrevocable payroll authorization will be refunded, less appropriate tax withholding. Any such after-tax lump-sum payment must be made no later than 30 days after the member has been notified by the System of the amount of the lump-sum payment and the payment shall be deemed as having been made prior to the retirement of the member. If an irrevocable payroll deduction becomes delinquent then the member may make up that delinquency by filing an amended or second irrevocable payroll deduction for the sole and only purpose of bringing the payments current within 120 days after the original delinquency. Failure to bring a delinquent payment current within 120 days after the original delinquency will result in termination of the member's irrevocable election as provided for in subsection (f) of this Section. The right to make up a delinquency cannot be used for the purpose of amending or modifying the terms of the original irrevocable payroll deduction election.

g) A member who is changing job positions but will still be employed by the State of Illinois may substitute an irrevocable payroll deduction in the new position for the irrevocable payroll deduction effective in the former position so long as the terms of the new payroll deduction are not changed except to make up any delinquency resulting from a break in service between positions. In such a case the irrevocable payroll deduction election will not terminate as provided for in subsection (e)(4) of this Section unless the provisions of subsection (e)(5) of this Section would require termination of the election.

(Source: Amended at 24 Ill. Reg. effective

6975

## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED RULES

1) Heading of the Part: General Hearing Procedures

2) Code Citation: 20 Ill. Adm. Code 1200

3) Section Numbers:      Adopted Action:  
1200.10                      New Section  
1200.20                      New Section  
1200.30                      New Section

4) Statutory Authority: Authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a(A)(26)].

5) Effective Date of Rules: April 21, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: 24 Ill. Reg. 2317, February 14, 2000

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: Editing and formatting changes recommended by JCAR were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were issued.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of Rule: General hearing rules are being established pursuant to Section 10-5 of the Illinois Administrative Procedure Act for the conduct of review relating to contested cases and issues in which the Department may be involved and for which the Department has not adopted more particularized rules. These rules are not intended to and do not create or expand any person's or entity's due process rights that do not otherwise exist.

16) Information and questions regarding this adopted rule shall be directed to:

## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED RULES

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, IL 62794-9461  
(217)782-7658

The full text of the adopted rule begins on the next page:

## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER II: DEPARTMENT OF STATE POLICE

## PART 1200

## GENERAL HEARING PROCEDURES

Section	
1200.10	Introduction
1200.20	Definitions
1200.30	Review Procedures

AUTHORITY: Implementing and authorized by Section 55a(A)(26) of the Civil Administrative Code of Illinois [20 ILCS 2605/55a(A)(26)].

SOURCE: Adopted at 24 Ill. Reg. 6982, effective April 21, 2000.

## Section 1200.10 Introduction

The general hearing procedures provide direction for the conduct of review relating to contested case hearings and other contested issues in which the Department may be involved and for which the Department has not adopted more particularized rules. This Part is not intended to and does not create or expand any person's or entity's due process rights that do not otherwise exist.

## Section 1200.20 Definitions

"Department" means the Department of State Police.

"Director" means the Director of State Police or the Director's designee.

## Section 1200.30 Review Procedures

- a) An individual who contests a Department action, or contemplated action, for which there is a right to appeal may petition for relief by providing written notice of this intention to the Department.
- b) Upon receiving a petition for relief, the Department shall investigate the circumstances surrounding the action; and if the Director is satisfied that substantial justice has not been done, the Director may grant relief. In the event the Director desires additional information concerning the circumstances of the action, the Director may schedule a fact-finding conference with the petitioner or otherwise further investigate.
- c) At a fact-finding conference, the petitioner may be represented by counsel or any other person and may present any evidence or information relating to the Department's action.
- d) The Director may provide relief as a result of a fact-finding

## DEPARTMENT OF STATE POLICE

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- e) conference or as the result of further investigation. If the Director does not provide relief as a result of the investigation or a fact-finding conference, the petitioner may petition for a hearing.
- f) The administrative law judge for contested hearings shall be the Director or an attorney licensed to practice law in Illinois appointed by the Director. The administrative law judge may be disqualified for bias or conflict of interest.
- g) The procedures for the hearing shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the administrative law judge.



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Savings Bank Act

2) Code Citation: 38 Ill. Adm. Code 1075

3) Section Numbers:  
1075.130  
1075.140

Emergency Action:  
Amendment  
Amendment

4) Statutory Authority: Implementing and authorized by the Savings Bank Act [205 ILCS 205].

5) Effective Date of Rules: April 24, 2000

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it expires: End of the 150 day period.

7) Date filed with Index Department: April 24, 2000

8) A copy of the adopted emergency rules, including any material incorporated by reference, is on file in the Office of Banks and Real Estate's principal office and is available for public inspection.

9) Reason for the Emergency: The purpose of this emergency amendment is to include changes in Part 1075 that were supposed to have been included in the changes adopted January 1, 2000. Since the first installment of supervisory fees needs to be done at this time and since entities have been accruing their fees for 2000 at the anticipated lower rate, in order to assess the correct fees to those entities regulated under this Savings Bank Act, these changes must be incorporated immediately.

10) A complete description of the subjects and issues involved: The emergency rulemaking simplifies supervisory fee structure. The emergency amendments lower fees by rounding down to the nearest whole number under Sections 1075.130 and 1075.140. This Section states the Commissioner shall issue a credit memorandum that each association operating under the provisions of the Savings Bank Act [205 ILCS 205] may use to offset balances owed from the Supervisory Fee calculated in Section 1075.130.

11) Are there any proposed amendments pending to this Part: No

12) Statement of statewide policy objectives: This rule will not affect local government.

13) Information and questions regarding this amendment shall be directed to:

Office of Banks and Real Estate

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY AMENDMENTS

Chris Siebel, Legislative Liaison  
500 East Monroe, Suite 900  
Springfield, Illinois 62701  
217/782-6167

The full text of the emergency amendments begins on the next page:

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

## PART 1075

## SAVINGS BANK ACT

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## SUBPART B: DEFINITIONS

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## SUBPART C: REPORTS

## Section

1075.300

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## Section

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## Section

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## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY AMENDMENTS

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AUTHORITY: Implementing and authorized by the Savings Bank Act [205 ILCS 205].

SOURCE: Emergency Rules adopted at 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at

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17 Ill. Reg. 18223, effective June 7, 1993; emergency amendment adopted at 18 Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15094, effective September 26, 1994; emergency amendment at 19 Ill. Reg. 10277, effective June 29, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15474, effective October 31, 1995; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6719, effective March 30, 1998; amended at 24 Ill. Reg. 73, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 6986, effective April 24, 2000, for a maximum of 150 days.

## SUBPART A: FILLINGS

## Section 1075.130 Supervisory Fees

- a) The Commissioner shall receive, and there shall be paid to the Commissioner by each savings bank and each service corporation operating under the Act, a fixed fee of \$450-00, plus a variable fee based on the total assets of each savings bank and each service corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31, 1999 and every year thereafter according to the following schedule: 22-5¢ per \$1,000 of the first \$2,000,000 of total assets, 20-25¢ per \$1,000 of the next \$3,000,000 of total assets, 18-0¢ per \$1,000 of the next \$5,000,000 of total assets, 15-75¢ per \$1,000 of the next \$15,000,000 of total assets, 13-5¢ per \$1,000 of the next \$25,000,000 of total assets, 11-25¢ per \$1,000 of the next \$50,000,000 of total assets, 9-0¢ per \$1,000 of the next \$400,000,000 of total assets, 6-75¢ per \$1,000 of the next \$500,000,000 of total assets, and 4-5¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such savings bank or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle (Mortgage Backed Securities, Real Estate Mortgage Income Certificates, and other securitized debt instruments), the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.
- b) The Commissioner shall receive and there shall be paid to the Commissioner by each savings bank a fee of \$450 for each approved branch office or facility office established under Subpart G of this Part. The determination of such fees shall be made annually as of the close of business of the prior calendar year ended December 31.
- c) One fourth of the sum of the supervisory fee so determined shall be remitted as billed by the Commissioner. Such fees shall be for the respective current year.
- d) Supervisory fees shall be determined by the Commissioner following the

## OFFICE OF BANKS AND REAL ESTATE

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close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.

- e) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event a savings bank elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where a savings bank elects to not continue operations), or, the savings bank has transferred significant assets (more than 1/2 of 1 percent of the total assets at the previous measurement date).

- f) The Commissioner may waive part of the first annual supervisory fee specified under subsection (a) above, for a savings and loan association that has paid the fee for conversion to federal charter as required under the rules promulgated pursuant to the Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 400.110(b)). Such waiver, if any is granted, shall be in accordance with the following schedule:

- 1) for conversions that were completed less than twelve months but greater than six months before the issuance of a savings bank charter, 25 percent may be waived; and
- 2) for conversions that were completed less than six months before the issuance of a savings bank charter, 50 percent may be waived.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 6986, effective April 24, 2000, for a maximum of 150 days)

## Section 1075.140 Adjusted Supervisory Fees

- a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 1075.130 of this Part, to be based upon the difference between the total assets of each savings bank and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 on which the supervisory fee was based, and the total assets of each savings bank and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 in which the quarterly payments referred to in Section 1075.130 of this Part are made according to the following schedule: 22-5¢ per \$1,000 of the first \$2,000,000 of total assets, 20-25¢ per \$1,000 of the next \$3,000,000 of total assets, 18-0¢ per \$1,000 of the next \$5,000,000 of total assets, 15-75¢ per \$1,000 of the next \$15,000,000 of total assets, 13-5¢ per \$1,000 of the next \$25,000,000 of total assets, 11-25¢ per



## OFFICE OF BANKS AND REAL ESTATE

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\$1,000 of the next \$50,000,000 of total assets, 9-8¢ per \$1,000 of the next \$400,000,000 of total assets, 6-75¢ per \$1,000 of the next \$500,000,000 of total assets, and 4-5¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such savings bank or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

b) Adjusted supervisory fees shall be remitted as billed by the Commissioner. In the event the total assets of each savings bank and each service corporation as reported on the earlier financial report are more than the total assets as reported on the later annual report, the Commissioner shall credit the next quarterly remittance of the supervisory fee in the same proportion.

c) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event a savings bank elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where a savings bank elects to not continue operations); or, the savings bank has transferred significant assets (more than 1/2 of 1 percent of the total assets at the previous measurement date).

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 6986, effective April 24, 2000, for a maximum of 150 days)

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER THE  
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

CENDANT MORTGAGE CORP.  
MOUNT LAUREL, NEW JERSEY

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500.00 against Cendant Mortgage Corp., Mount Laurel, New Jersey, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective April 28, 2000.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PUBLIC INFORMATION

## Public Hearings on Wireless Enhanced 9-1-1

Public Notice is hereby given that the Wireless Enhanced 9-1-1 Board proposes to impose a monthly wireless surcharge in the amount of seventy-five cents on all wireless subscribers to provide emergency access to wireless 9-1-1 and wireless enhanced service. Public Hearings will be held, pursuant to the Wireless Emergency Telephone Safety Act, Public Act 91-0660, for the purposes of taking testimony in connection with the proposed surcharge and the requirements for an efficient wireless emergency number system. HEARINGS WILL BE HELD AT THE FOLLOWING LOCATIONS ON THE DATES AND TIMES DESIGNATED BELOW:

The Public Hearings are as follows:

May 8, 2000

10:00 a.m.

Richard J. Daley Center, Room 207  
55 W. Washington Street  
Chicago, Illinois 60602

May 15, 2000

10:00 a.m.

City of Springfield, Municipal Center West  
City Council Chambers, 3rd Floor  
700 E. Monroe Street  
Springfield, Illinois 62701

May 16, 2000

10:00 a.m.

Belleville City Hall  
Council Chamber Room  
101 S. Illinois Street  
Belleville, Illinois 62220

## General Business Meeting:

May 23, 2000

11:00 a.m.

Cook County Administration Building  
9th Floor Conference Center, Room A  
69 W. Washington Street  
Chicago, Illinois 60602

ENVIRONMENTAL PROTECTION AGENCY  
NOTICE OF PUBLIC INFORMATIONNOTICE OF PROPOSED SETTLEMENT

PEOPLE OF THE STATE OF ILLINOIS v. AMOCO CHEMICAL COMPANY,  
n/k/a BP AMOCO CHEMICAL COMPANY, a/k/a BP AMOCO, a Delaware Corporation.

You are hereby notified that the Illinois Attorney General, James E. Ryan, on behalf of the Illinois Environmental Protection Agency ("IllinoisEPA"), has reached a proposed settlement agreement with Amoco Chemical Company, n/k/a BP Amoco Chemical Company, a/k/a BP Amoco, a Delaware Corporation ("BP Amoco"), regarding the Amoco Joliet Landfill Superfund Site, located in Will County, Illinois. The proposed settlement will result in an order directing BP Amoco to implement and complete certain remedial actions pursuant to a Supplemental Consent Decree for Remedial Design and Remedial Action, under the oversight of the Illinois EPA and the Attorney General and to reimburse the State of Illinois for response, remedial, investigative, and oversight activities undertaken by the State of Illinois as a result of the release and/or threatened release of hazardous substances at the Amoco Joliet Landfill Superfund Site.

## PUBLIC COMMENT

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC 9601, et seq., you have thirty (30) days from the date of this notice to file written comments relating to the proposed settlement. If such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate, consent to the proposed settlement may be withdrawn or withheld.

You may obtain a copy of the proposed settlement for review (at no charge) by calling or writing to Maria M. Menotti, Assistant Attorney General, at (312) 814-1511 or at 188 West Randolph Street, 20th Floor, Chicago, Illinois 60601. You may file written comments relating to the proposed settlement by sending them to the same address.

Comments received or postmarked within thirty (30) days of this Notice shall be considered.

THOMAS SKINNER

Director

Illinois Environmental Protection Agency  
1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

April 21, 2000

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2000. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents	Manufacturers
Agricultural Producers	Manufacturing Machinery
and Products	& Equipment
Assessments	Medical Appliances
Automobile Renting Tax	Miscellaneous
Bingo	Motor Fuel Tax
Books and Records	Motor Vehicles
Bulk Sales	Newsprint & Ink
C.O.A.D.	Nexus
Certificate of Registration	Nonprofit Institutions
Charitable Games	Occasional Sale
Cigarette Tax	Oil Field Equipment
Claims for Credit	Penalties

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

3. Name and address of person to contact concerning this information:

Margaret Forth  
Legal Services Office  
101 West Jefferson Street  
Springfield, Illinois 62794  
(217) 782-6996



## DEPARTMENT OF REVENUE

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF PUBLIC INFORMATION

## 2000 FIRST QUARTER SUNSHINE INDEX

## 2000 FIRST QUARTER SUNSHINE INDEX

## AGRICULTURAL PRODUCERS AND PRODUCTS

ST 00-0048-GIL 03/10/2000 Agricultural producers are liable for tax when they engage in the business of selling agricultural products, such as milk and other dairy products, livestock, meats, hay, grain, vegetables, fruit, plants, flowers, eggs, young trees or any other such items of tangible personal property, to purchasers for use or consumption. See 86 Ill. Adm. Code 130.1905. (This is a GIL).

claimant shows that it has borne the burden of the tax or has unconditionally repaid the amount of the tax to the customer from whom it was collected. See 86 Ill. Adm. Code 130.1501. (This is a GIL).

ST 00-0056-GIL

03/17/2000 Only persons who have actually paid taxes to the Department can file claims for credit. See 86 Ill. Adm. Code 130.1501. (This is a GIL).

ST 00-0061-GIL

03/17/2000 No credit shall be given the taxpayer unless the taxpayer shows that it has borne the burden of the tax or has unconditionally repaid the amount of the tax to the customer from whom it was collected. See 86 Ill. Adm. Code 130.1501. (This is a GIL).

C.O.A.D.

ST 00-0066-GIL 03/20/2000 A coin-operated amusement device includes any "...device operated or operable by insertion of coins, tokens, chips or similar objects...which returns to the player thereof no money or property or right to receive money or property..." 35 ILCS 510/1. (This is a GIL).

ST 00-0073-GIL

03/20/2000 The Retailers' Occupation Tax is based upon the actual gross receipts from retail sales. See 86 Ill. Adm. Code 130.1101. (This is a GIL).

ST 00-0078-GIL

03/23/2000 No credit can issue unless the claimant shows that it has borne the burden of the tax or has unconditionally repaid the amount of the tax to the customer from whom it was collected. See 86 Ill. Adm. Code 130.1501. (This is a GIL).

## CERTIFICATE OF REGISTRATION

ST 00-0006-GIL 01/14/2000 The Department authorizes wholesalers whose products are sold at retail by numerous distributors to assume responsibility for accounting and paying to the Department all tax accruing under the Retailers' Occupation Tax Act with respect to such sales. See, 86 Ill. Adm. Code 130.550. (This is a GIL.)

## COMPUTER SOFTWARE

ST 00-0014-GIL

01/25/2000 Public Act 89-115, effective January 1, 1996, provides that computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the Retailers' Occupation Tax, to a hospital that has been issued an active tax exemption identification number by the Department are exempt from the Retailers' Occupation Tax. 35 ILCS 120/2-5(28). (This is a GIL.)

## CLAIMS FOR CREDIT

ST 00-0013-GIL 01/25/2000 No credit shall be given unless the claimant shows that it has borne the burden of the tax or has unconditionally repaid the amount of the tax to the customer from whom it was collected. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

ST 00-0028-GIL 02/23/2000 Only persons who have actually paid taxes to the Department can file claims for credit. See 86 Ill. Adm. Code 130.1501. (This is a GIL).

## CONSTRUCTION CONTRACTORS

ST 00-0008-GIL

01/25/2000 Construction contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate owe Use Tax on the cost price of those materials. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

ST 00-0029-GIL 02/23/2000 Only persons who have actually paid taxes to the Department can file claims for credit. See 86 Ill. Adm. Code 130.1501. (This is a GIL).

ST 00-0035-GIL 03/01/2000 No credit shall be given a claimant unless the

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ST 00-0021-GIL 01/27/2000 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

## DELIVERY CHARGES

ST 00-0050-GIL 03/10/2000 Whether delivery charges may be deducted when calculating Retailers' Occupation Tax liability depends not upon the separate billing of such delivery or freight charges but upon whether the charges are included in the selling prices of the property or are contracted for separately by purchasers and retailers. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

## ENTERPRISE ZONES

ST 00-0069-GIL 03/20/2000 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

## EXEMPT ORGANIZATIONS

ST 00-0005-GIL 01/13/2000 Organizations that make application to the Department and are determined to be exclusively religious, educational, or charitable receive a tax exemption identification number ("E" number). See 86 Ill. Adm. Code 130.2005. (This is a GIL.)

## FARM MACHINERY &amp; EQUIPMENT

ST 00-0064-GIL 03/20/2000 The Retailers' Occupation Tax Act provides an exemption for farm machinery and equipment that is used or leased for use primarily (over 50% of the time) in production agriculture or for use in State or federal agricultural programs. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

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## FOOD

ST 00-0024-GIL 01/28/2000 Food is defined as any solid, liquid, powder or item intended by the seller primarily for human internal consumption, whether simple, compound or mixed, including foods such as condiments, spices, seasonings, vitamins, bottled water and ice. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 00-0037-GIL 03/03/2000 Schools can make tax-free sales of meals to students and employees at dining facilities that are closed to the public. See, 86 Ill. Adm. Code 130.2005(b)(4). (This is a GIL.)

## FOOD, DRUGS &amp; MEDICAL APPLIANCES

ST 00-0002-GIL 01/03/2000 A medicine or drug is "any pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and which purports on the label to have medicinal qualities." See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 00-0009-GIL 01/25/2000 Medicines and medical appliances are not taxed at the normal rate of 6.25%. These items are taxed at a lower rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

## GOVERNMENTAL BODIES

ST 00-0004-GIL 01/13/2000 Currently the Department's regulation at 86 Ill. Adm. Code 130.2080(a), copy enclosed, provides that "retailers may accept U.S. Government Bank Cards in sales to the U.S. Government and its agencies without requiring an Illinois exemption number." (This is a GIL.)

## GRAPHIC ARTS

ST 00-0002-PLR 02/28/2000 The Graphic Arts Machinery and Equipment Exemption extends to machinery and equipment that is used primarily (more than 50% of the time) in graphic arts production. See 86 Ill. Adm. Code 130.325. (This is a PLR.)

ST 00-0017-GIL 01/25/2000 As a general rule, when products are items of general utility and serve substantially the same function as

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stock or standard items, the products will be subject to the Retailers' Occupation Tax when sold. 86 Ill. Adm. Code 130.2000. (This is a GIL.)

## GROSS RECEIPTS

ST 00-0026-GIL 02/03/2000 A manufacturer's rebate that is applied to the purchase price of an automobile is subject to Retailers' Occupation Tax. See 35 ICS 120/1. (This is a GIL.)

ST 00-0067-GIL 03/20/2000 As a technical proposition, handling charges represent a retailer's cost of doing business, and are consequently always included in gross charges subject to tax. See, 86 Ill. Adm. Code 130.410. (This is a GIL.)

## HOTEL OPERATORS' TAX

ST 00-0042-GIL 03/08/2000 Organizations that enjoy exemption from Illinois sales tax are not similarly exempt from Hotel Operators' Occupation Tax when renting a hotel or motel room. This includes rentals to churches, charities, schools, and units of government, including the U.S. Government. The only exemptions available are for rentals to permanent residents and to certain diplomatic personnel. See 86 Ill. Adm. Code 480.101. (This is a GIL.)

ST 00-0060-GIL 03/17/2000 The Hotel Operators' Occupation Tax Act imposes a tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel. See 86 Ill. Adm. Code 480.101. (This is a GIL.)

## INTERSTATE COMMERCE

ST 00-0032-GIL 02/29/2000 Retailers' Occupation Tax does not apply where the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in Illinois to a point outside Illinois, not to be returned to a point within Illinois, provided that such delivery is actually made. However, when tangible personal property is located in this State at the time of its sale and then is physically delivered in Illinois to the purchaser or the purchaser's representative, the gross receipts received by the seller are subject to Retailers' Occupation Tax if the sale is

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at retail. See 86 Ill. Adm. Code 130.605. (This is a GIL.)

## LEASING

ST 00-0004-PLR 03/20/2000 The State of Illinois taxes leases differently for Retailers' Occupation Tax and Use Tax purposes than the majority of other states. See Ill. Adm. Code 130.220. (This is a PLR.)

ST 00-0005-PLR 03/20/2000 The State of Illinois taxes leases differently for Retailers' Occupation Tax and Use Tax purposes than the majority of other states. See Ill. Adm. Code 130.220. (This is a PLR.)

ST 00-0015-GIL 01/25/2000 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 00-0018-GIL 01/25/2000 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. As the end users of tangible personal property located in Illinois, lessors incur Use Tax on the lessors' cost price of the property. Property damage or theft insurance is not considered tangible personal property and is not subject to Use Tax liability. See 86 Ill. Adm. Code 130.220 and 130.2010. (This is a GIL.)

ST 00-0019-GIL 01/26/2000 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220. As end users of tangible personal property located in Illinois, lessors owe Use Tax on their cost price of such property. (This is a GIL.)

ST 00-0023-GIL 01/28/2000 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 00-0030-GIL 02/25/2000 Lease agreements that contain purchase options equal to the fair market value of the tangible personal property at the end of the lease term are considered true leases, and the lessors incur Use Tax liability on their cost price of tangible personal property purchased for rental purposes. See 86 Ill. Adm. Code 130.2010. (This is a GIL.)



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ST 00-0033-GIL 02/29/2000 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL).

ST 00-0046-GIL 03/09/2000 For purposes of the Illinois sales tax, lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL).

ST 00-0075-GIL 03/21/2000 Lease agreements that contain purchase options that are equal to the fair market value of the tangible personal property at the end of the lease term are considered true leases, and the lessors incur Use Tax liability on their cost price of tangible personal property purchased for rental purposes. See 86 Ill. Adm. Code 130.2010. (This is a GIL).

ST 00-0077-GIL 03/22/2000 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL).

## LOCAL TAXES

ST 00-0020-GIL 01/26/2000 Local taxes are triggered when "selling" occurs in a jurisdiction imposing a tax. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

ST 00-0038-GIL 03/06/2000 If a purchase order is accepted in a jurisdiction that imposes a local tax, such as a Home Rule Municipal Retailers' Occupation Tax, that local tax will be incurred. See 86 Ill. Adm. Code 270.115. (This is a GIL).

## MANUFACTURING MACHINERY &amp; EQUIPMENT

ST 00-0007-PLR 03/03/2000 This letter applies the exemption for computers used primarily in operating exempt equipment in a CAD/CAM system. See Section 130.330. (This is a PLR.)

ST 00-0052-GIL 03/16/2000 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption is available for machinery and equipment used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330. (This is a GIL).

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## MEDICAL APPLIANCES

ST 00-0027-GIL 2/18/2000 A medical appliance is defined as an item that is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a GIL).

## MISCELLANEOUS

ST 00-0040-GIL 03/06/2000 Beginning January 1, 2000, gross receipts from proceeds from the sale of new or used automatic vending machines that prepare hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines are exempt from Retailers' Occupation Tax. 35 ILCS 120/2-5(32). (This is a GIL).

ST 00-0041-GIL 03/08/2000 In general, retailers are required to state tax as a separate item on invoices issued to customers. See 86 Ill. Adm. Code 150.601. (This is a GIL).

ST 00-0044-GIL 03/09/2000 This letter describes the general types of machines that may qualify for the "automatic vending machine" exemption. See Public Act 91-644. (This is a GIL).

ST 00-0051-GIL 03/10/2000 Department rules require that the Department issue only two types of Letters, Private Letter Rulings and General Information Letters. A General Information Letter is designed to provide general information, not a specific response to an inquiry. See 2 Ill. Adm. Code 1200.100 and 1200.120. (This is a GIL).

ST 00-0062-GIL 03/17/2000 This letter discusses the effect of 12 USC 1768 upon taxation of Federal credit unions under the Gas Revenue Tax Act, 35 ILCS 615/1 et seq., the Telecommunications Excise Tax Act, 35 ILCS 630/1 et seq., and the Electricity Excise Tax Law, 35 ILCS 640/2-1 et seq. (This is a GIL).

## MOTOR FUEL TAX

ST 00-0001-GIL 01/03/2000 Public Act 91-173, effective January 1, 2000, implements a program of dyed diesel fuel in Illinois.

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- ST 00-0007-GIL 01/19/2000 Article II of the International Fuel Tax Agreement Articles of Agreement sets forth the circumstances under which refunds for overpayment are made.
- ST 00-0031-GIL 02/29/2000 A portion of the Motor Fuel tax collected by the Illinois Department of Revenue is distributed by the Illinois Department of Transportation to local governments. See 35 ILCS 505/8. (This is a GIL).
- ST 00-0065-GIL 03/20/2000 Section 3 of the Act, 35 ILCS 505/3 states that no person shall act as a distributor of motor fuel within this State without first securing a license to act as a distributor of motor fuel from the Department. (This is a GIL).

## NEWSPRINT &amp; INK

- ST 00-0010-GIL 01/25/2000 Sellers of books, sheet music, and phonograph records incur Retailers' Occupation Tax liability when they sell those items to purchasers for use or consumption and not for resale. See 86 Ill. Adm. Code 130.2105. (This is a GIL.)

## NEXUS

- ST 00-0011-GIL 01/25/2000 A "retailer maintaining a place of business in Illinois" as described in 86 Ill. Adm. Code 150.201(i) is required to register as an Illinois Use Tax collector. See 86 Ill. Adm. Code 150.801. (This is a GIL.)
- ST 00-0012-GIL 01/25/2000 A "retailer maintaining a place of business in Illinois" as described in 86 Ill. Adm. Code 150.201(i) is required to register as an Illinois Use Tax collector. See 86 Ill. Adm. Code 150.801. (This is a GIL.)

- ST 00-0043-GIL 03/08/2000 This letter discusses nexus issues related to the placing of advertisements by a retail operation that has nexus in Illinois in the mail-order catalog of its out-of-State subsidiary that has no physical presence in Illinois. (This is a GIL).

- ST 00-0059-GIL 03/17/2000 A "retailer maintaining a place of business in Illinois" as described in 86 Ill. Adm. Code 150.201(i) is required to register with the State as an Illinois Use Tax

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- ST 00-0068-GIL 03/20/2000 A "retailer maintaining a place of business in Illinois" as described in 86 Ill. Adm. Code 150.201(i) is required to register with the State as an Illinois Use Tax collector. See 86 Ill. Adm. Code 150.801. (This is a GIL).
- ST 00-0072-GIL 03/20/2000 A "retailer maintaining a place of business in Illinois" as described in 86 Ill. Adm. Code 150.201(i) is required to register with the State as an Illinois Use Tax collector. See 86 Ill. Adm. Code 150.801. (This is a GIL).

## OCCASIONAL SALE

- ST 00-0003-PLR 02/29/2000 An occasional sale is a sale of tangible personal property at retail by a person who does not hold himself out as being engaged or does not habitually engage in selling such tangible personal property at retail. 35 ILCS 120/1. (This is a PLR).

## PENALTIES

- ST 00-0034-GIL 02/29/2000 A waiver of penalty request may be submitted to the Reasonable Cause Review Unit. See 35 Ill. Adm. Code 700.300. (This is a GIL).

## POLLUTION CONTROL FACILITIES

- ST 00-0076-GIL 03/22/2000 No transactions are exempt on the basis of the pollution control exemption unless certifications are obtained as described in 86 Ill. Adm. Code 130.335(a) of the Department's rules. (This is a GIL).

## REQUEST FOR INFORMATION

- ST 00-0074-GIL 03/20/2000 Due to confidentiality requirements under Illinois law, the Department will not disseminate information regarding individual taxpayers. 35 ILCS 120/11. (This is a GIL).

## SALE AT RETAIL

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ST 00-0016-GIL 01/25/2000 Persons engaged in the business of selling alcoholic beverages to purchasers for use or consumption are required to remit sales tax to the Department upon their gross receipts from such sales, notwithstanding the fact that manufacturers and importing distributors of alcoholic beverages are required to pay certain taxes under The Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) See 86 Ill. Adm. Code 130.2060. (This is a GIL.)

ST 00-0045-GIL 03/09/2000 Restaurants are not be liable for Retailers' Occupation Tax liability when they provide meals to employees free of any charge, so long as such employees are entitled to no additional compensation if they fail to eat such meals at the restaurant's place of business. In these situations the restaurant employer would incur an Illinois Use Tax liability. See 86 Ill. Adm. Code 130.2050. (This is a GIL.)

ST 00-0047-GIL 03/10/2000 Retailers' Occupation Tax is imposed upon persons engaged in the business of selling tangible personal property to purchasers for use or consumption. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

## SALE FOR RESALE

ST 00-0039-GIL 03/06/2000 In order to document sales for resale, sellers are obligated by Illinois to obtain valid Certificates of Resale from their purchasers. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 00-0049-GIL 03/10/2000 A Certificate of Resale must contain the items of information listed at 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 00-0053-GIL 03/16/2000 Illinois law requires a Certificate of Resale to contain the information set out in 86 Ill. Adm. Code 130.1405(b). (This is a GIL.)

ST 00-0057-GIL 03/17/2000 In order to document the fact that sales to purchasers are sales for resale, sellers are obligated to obtain valid Certificates of Resale from purchasers. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

## SALE OF SERVICE

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ST 00-0001-PLR 02/22/2000 This letter discusses the application of the Service Occupation Tax Act to repairs made under four programs of an automobile manufacturer's warranty program. (This is a PLR.)

## SERVICE OCCUPATION TAX

ST 00-0022-GIL 01/28/2000 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 00-0054-GIL 03/16/2000 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 00-0055-GIL 03/16/2000 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 00-0058-GIL 03/17/2000 The purchase of tangible personal property that is transferred to service customers may result in either Service Occupation Tax liability or Use Tax liability for the servicemen, depending upon which tax base the servicemen choose to calculate their liability. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 00-0063-GIL 03/20/2000 Under the Service Occupation Tax Act, an exemption exists for the sale, employment and transfer of such tangible personal property as newspaper and ink for physical incorporation into newspapers or magazines. See 86 Ill. Adm. Code 140.125. (This is a GIL.)

ST 00-0070-GIL 03/20/2000 Servicemen may qualify as de minimis if they determine that their annual aggregate cost price of tangible personal property transferred incident to sales of service is less than 35% of their annual gross receipts from service transactions (75% in the case of pharmacists and persons engaged in graphic arts production). See 86 Ill. Adm. Code 140.101(f). (This is a GIL.)

## TELECOMMUNICATIONS EXCISE TAX



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ST 00-0006-PLR 03/20/2000 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code 495 (This is a PLR).

ST 00-0071-GIL 03/20/2000 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code 495. (This is a GIL).

## TOBACCO PRODUCTS TAX ACT

ST 00-0025-GIL 01/31/2000 Under the Tobacco Products Tax Act of 1995, a tax is imposed upon the last distributor who sells tobacco products to a retailer or consumer in Illinois at the rate of 18% of the wholesale price of tobacco products sold or otherwise disposed of in this State. See 86 Ill. Adm. Code 660.05. (This is a GIL.)

## USE TAX

ST 00-0003-GIL 01/13/2000 Persons who provide cleaning services and use cleaning supplies as part of those services incur Use Tax liability on the cost price of those cleaning supplies because they use the cleaning supplies as part of providing their cleaning service. See, 86 Ill. Adm. Code 150.101 (This is a GIL.)

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 18, 2000 through April 24, 2000 and have been scheduled for review by the Committee at its May 16, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
6/2/00	Drycleaner Environmental Response Trust Fund Council, Public Information (2 Ill Adm Code 3100)	1/7/00 24 Ill Reg 195	5/16/00
6/2/00	Drycleaner Environmental Response Trust Fund Council, General Program (35 Ill Adm Code 1500)	1/7/00 24 Ill Reg 193	5/16/00
6/2/00	Department of Public Health, Regionalized Perinatal Health Care Code (77 Ill Adm Code 640)	2/25/00 24 Ill Reg 2941	5/16/00
6/3/00	Office of Banks and Real Estate, Land Sales Registration Act (68 Ill Adm Code 1260)	1/14/00 24 Ill Reg 385	5/16/00
6/3/00	Office of Banks and Real Estate, Real Estate Time Share Act (68 Ill Adm Code 1451)	5/16/00	
6/4/00	Department of Public Health, Illinois Swimming Pool and Bathing Beach Code (77 Ill Adm Code 820)	2/25/00 24 Ill Reg 2902	5/16/00
6/7/00	Illinois State Toll Highway Authority, Repeal of Purchasing Practices and Procedures and General Provisions for the Purchase of Materials, Equipment and Services (44 Ill Adm Code 1200)	11/12/99 23 Ill Reg 13539	5/16/00

## PROCLAMATIONS

## 2000-197 (REVISED)

## WALTER AND JEANNE SIMAK DAY

WHEREAS, Walter Simak and Jeanne Patzin were united in marriage on May 20, 1950, at Blessed Sacrament Church, 3600 Cermak Road in Chicago, Illinois; and  
 WHEREAS, Mr. & Mrs. Simak celebrated their wedding with a reception held at Stefoniak Court, 2458 S. Pulaski Road, Chicago, Illinois; and

WHEREAS, Walter and Jeanne Simak resided at 14819 S. Troy Ave. in Posen, Illinois, for 43 years, and currently reside in Tinley Park, Illinois; and  
 WHEREAS, Walter and Jeanne have eight children, five boys and three girls, and eleven grandchildren, six girls and five boys; and  
 WHEREAS, Walter and Jeanne Simak celebrate their 50th wedding anniversary on May 20, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20, 2000, as WALTER AND JEANNE SIMAK DAY in Illinois.

Issued by the Governor April 12, 2000.  
 Filed by the Secretary of State April 14, 2000.

## 2000-199

## ALL-ILLINOIS ACADEMIC TEAM RECOGNITION DAY/COMMUNITY COLLEGE STUDENT LOBBY DAY

WHEREAS, the Illinois Community College Board will set aside a date in the spring of each year as Recognition Day for community college students nominated to the Phi Theta Kappa Honor Society All-Illinois Academic Team and as Recognition Day for community college students in attendance for Student Lobby Day; and

WHEREAS, this day has been formally constituted to include those Illinois community college students named by their college presidents as having achieved high academic standards and noteworthy community involvement; such recognition of these students and the All-Illinois Academic Team program promotes the excellent educational quality of Illinois' community college system; and

WHEREAS, the 2000 Recognition Day will officially occur with a ceremony in the State Capitol Rotunda on April 5, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 5, 2000, as ALL-ILLINOIS ACADEMIC TEAM RECOGNITION DAY and COMMUNITY COLLEGE STUDENT LOBBY DAY in Illinois.

Issued by the Governor April 6, 2000.  
 Filed by the Secretary of State April 14, 2000.

## 2000-200

## APPRENTICESHIP WEEK

WHEREAS, apprenticeship training is a key component of developing skilled workers in various trades and crafts. It is part of a continuing program initiated by the government in 1937 and supported by industry and labor; and

WHEREAS, these supporters make cooperative efforts to encourage and improve apprenticeship training in Illinois in order to provide skilled journeymen in all trades; and

WHEREAS, the Biannual Illinois State Apprenticeship Conference will be

held May 2-5, to promote the exchange of information and ideas to craft and trades;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1-5, 2000, as APPRENTICESHIP WEEK in Illinois.

Issued by the Governor April 6, 2000.

Filed by the Secretary of State April 14, 2000.

## 2000-201

## FIREFIGHTER APPRECIATION MONTH

WHEREAS, firefighters are prepared to sacrifice their lives at all times in their professional service to their communities; and  
 WHEREAS, their immense contributions, both of personal risk and time devoted to public service, should be acknowledged; and  
 WHEREAS, last year, firefighters in 163 Illinois communities raised and donated more than \$360,000 to the Muscular Dystrophy Association (MDA);

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2000 as FIREFIGHTER APPRECIATION MONTH in Illinois.

Issued by the Governor April 6, 2000.

Filed by the Secretary of State April 14, 2000.

## 2000-202

## GEORGE M. IRWIN DAY

WHEREAS, George M. Irwin's distinguished career that includes founder and former music director of Quincy Chamber Music Ensemble, founder and former conductor of Quincy Choral Society, founder and former co-conductor of Quincy Civic band, and founder and former conductor of Quincy Symphony Orchestra, has advanced the State's cultural landscape; and

WHEREAS, Mr. Irwin was founder and first president of the Quincy Society of Fine Arts, a community arts council and the first arts council in the United States; and

WHEREAS, George Irwin was founder, former president and chairman of the American Council for the Arts; and

WHEREAS, Mr. Irwin's many varied contributions at the local, State and national levels have brought him numerous awards and honors including a 1978 Governor's Award for the Arts and the Distinguished Service Award for Support of the Arts from the National Governor's Association; and

WHEREAS, George M. Irwin's lifetime commitment to the creation, presentation and preservation of the arts and humanities has played a vital role in bringing joy to and enriching the lives of the citizens of the great State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28, 2000, as GEORGE M. IRWIN DAY in Illinois.

Issued by the Governor April 6, 2000.

Filed by the Secretary of State April 14, 2000.

## 2000-203

## MS DINNER OF CHAMPIONS DAY

WHEREAS, multiple sclerosis (MS), a neurological disease of the central nervous system, is the number one disabling disease of women and men between the ages of 20 and 40; and

WHEREAS, each year, 10,000 new cases of MS are diagnosed, and an estimated 350,000 people nationwide have MS; and

WHEREAS, through contributions and fund-raising events such as the MS DINNER OF CHAMPIONS, the Greater Illinois Chapter of the National MS Society seeks to increase public awareness and financial support for research and programs and services for the 10,000 people of Illinois who have MS; and

WHEREAS, the MS DINNER OF CHAMPIONS recognizes individuals such as Sport Champion, Sammy Sosa; Civic Leader, Caroline Schoenberger; Corporate Philanthropic, Aon Corporation; and Corporate Sponsorship, Volvo Cars of North America, Inc.;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2000, as MS DINNER OF CHAMPIONS DAY in Illinois.

Issued by the Governor April 6, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-204

##### MS. ELSIE DICKSON DAY

WHEREAS, Ms. Elsie Dickson was born March 18, 1900, in Memphis, Tennessee. She was married to Louis Dickson who passed away in 1976. Ms. Dickson then settled in Mississippi and later in Arkansas; and

WHEREAS, Ms. Dickson was a farmer and she loves gardening and taking care of indoor plants and flowers; and

WHEREAS, Ms. Dickson's first name is Elsie but most people called her "Ms. L.C."; and

WHEREAS, Ms. Dickson was the President of singing group called "The Starlights". She was also a member of Friendship Baptist Church in Chicago, 1944-1989. She is currently a member of Holy Trinity Church in Chicago, Illinois; and

WHEREAS, Ms. Dickson is the matriarch to a long family legacy of five generations of females still living. They are as follows: Elsie Dickson, 100 years old; Elsie's daughter, Lucille Davis, 84 years old; Elsie's granddaughter, Elsie Southern, 68 years old; Elsie's great granddaughter, Deborah King, 51 years old; Elsie's great-great granddaughter, Denise King, 28 years old; and

WHEREAS, in addition to this lineage of women, Elsie Dickson has four grandchildren, 14 great grandchildren, and 11 great-great grandchildren; and

WHEREAS, she should be honored for her part in this long and impressive heritage;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 18, 2000, as MS. ELSIE DICKSON DAY in Illinois.

Issued by the Governor April 7, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-205

##### PLAYGROUND SAFETY DAY

WHEREAS, the safety and well-being of children is a priority of this State; and

WHEREAS, it is appropriate to set aside a day or month each year for the purpose of urging educators, playground providers, public facilities, day care operators, parents and even children in our State to become better informed

about their role in keeping our playgrounds safe; and

WHEREAS, spring is often a time that children head to the playground and a large percentage of playground injuries occur from April through June; and

WHEREAS, schools, parks and other public facilities are preparing for the summer season and playground participants; and

WHEREAS, it is appropriate that Illinois commit to ensuring that no children play on an unsafe playground; and

WHEREAS, the National Program for Playground Safety has designated April 27, 2000, as National Playground Safety Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 27, 2000, as PLAYGROUND SAFETY DAY in Illinois.

Issued by the Governor April 7, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-206

##### TAI CHI AND QIGONG DAY

WHEREAS, the people of Illinois need methods to improve health, reduce stress and prevent disease; and

WHEREAS, people have practiced Tai Chi and Chi Kung for centuries in other parts of the world for health, rejuvenation and longevity; and

WHEREAS, Tai Chi and Qigong have been shown to promote health and help prevent disease; and

WHEREAS, the people of Illinois deserve to know that these techniques are available for their health and enjoyment; and

WHEREAS, the State of Illinois desires to foster cultural awareness; and WHEREAS, UN World Health Day is April 7 and the following Saturday is observed as World Tai Chi and Qigong Day in every time zone across the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 8, 2000, as TAI CHI AND QIGONG DAY in Illinois.

Issued by the Governor April 7, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-207

##### FAMILY FEDERATION FOR WORLD PEACE AND UNIFICATION DAY

WHEREAS, healthy families are one of the foundations of healthy, well-adjusted nations because the values that promote peace in the world community are a direct extension of the values that promote peace within individual families; and

WHEREAS, promoting the development of such families is the central task of the Family Federation for World Peace and Unification. Specifically the FFWPU promotes the responsibility of parents to care for and love their children; to guide them to the highest moral, physical and intellectual standards; and to protect them from abuse and exploitation; and

WHEREAS, throughout 1997-2000 thousands of clergy and couples throughout the great State of Illinois have re-dedicated their marriages and their eternal commitments to their spouses and families; and

WHEREAS, the Family Federation will be holding its annual convention including over 4,000 delegates on Tuesday evening, April 11, 2000, on the topic, "The Path for America";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim



April 11, 2000, as FAMILY FEDERATION FOR WORLD PEACE AND UNIFICATION DAY in Illinois.

Issued by the Governor April 10, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-208

##### HIRSCH HORNET PROJECT WEEK

WHEREAS, most Chicago Public School students will be heading to the malls, movie theaters and video arcades during Spring break, but a select few will head to Oceana Naval Air Station, Virginia, to begin the first installment of documentaries which will focus on Illinoisans who impact global issues; and

WHEREAS, the first documentary will showcase Lieutenant Carlton "Ben" Elliott, a Whitney Young graduate, class of 88, and a graduate of the United States Naval Academy, class of 93. The movie will depict a day in the life of an African-American Naval fighter pilot, who has been selected to attend Top Gun", the Navy's Fighter Weapons School, as seen in the hit movie "Top Gun"; and

WHEREAS, the F/A 18 Fighter Jet is known as The Hornet. The Hirsch Hornet Project is one of the several Education-To-Careers programs that will incorporate classroom instruction and real world experiences. Ten Hirsch students, which include six radio/TV students who will make up the television field crew, two reporters from the Hirsch Herald newspaper, two Hirsch JROTC cadets and two Hirsch staff members, including the principal Dr. Melverlene Parker, will depart for Oceana, Virginia, on April 15th and return April 19th; and

WHEREAS, the Hornet project is an incredible opportunity for students to have a "hands-on" learning experience and to explore the wide variety of opportunities that are out there; and

WHEREAS, this is an opportunity to demonstrate "active learning", provide multiple assessments and engage Hirsch students in a viable, off-site learning project;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 15-19, 2000, as HIRSCH HORNET PROJECT WEEK in Illinois.

Issued by the Governor April 10, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-209

##### ILLINOIS TREKKERS VOLKSSPORT CLUB DAY

WHEREAS, the Illinois Trekkers Volkssport Club was formed at Scott AFB, Illinois, in May 1980 as the 47th such club in the United States and the first in Illinois; and

WHEREAS, the purpose of this organization is to provide family oriented, non-competitive events such as walking, biking and swimming to individuals of all ages and levels of ability; and

WHEREAS, over the past 20 years, the club has hosted 185 regular volkssporting events in the local areas in addition to hosting three year-round-events; and

WHEREAS, since its inception, they have attracted more than 67,000 individuals to their events and walked 415,400 miles during the past 20 years, an achievement for which they are very proud; and

WHEREAS, on May 2, 2000, the club will celebrate its 20th Anniversary with two walks at Scott AFB, the site of their first event in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2, 2000, as ILLINOIS TREKKERS VOLKSSPORT CLUB DAY in Illinois.

Issued by the Governor April 10, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-210

##### PLEASANT PLAINS CARDINALS HIGH SCHOOL BASKETBALL TEAM DAY

WHEREAS, throughout the 1999-2000 season, the Pleasant Plains High School Cardinals endured an exciting year; and

WHEREAS, during this season, the team posted a record of 34-2, with important wins at Athens Warrior, Williamsville, Waverly, and the Sangamon County tournaments, and a second place finish in the Sangamon County Conference; and

WHEREAS, from there the team won their Regional, Sectional, Super Sectional and eventually the Class A State Championship on March 11; and

WHEREAS, the team is comprised of Head Coach Cliff Cameron, Assistant Coach Dan Watson and Assistant Coach Jon Nelson, seniors Jeremy Pinkerton, Aaron Sczurko, Jimmy Skeeters, Josh Siterlet and Ryan Nelson, juniors Dusty Bensko, Tyler Kastner, Bo Gum, Adam Suchy, Andrew Cochran and Jess Durako, sophomores Jordan Roth, Joe Albsmeyer, Ryan Sunley, Ryan Needham and Joe Miles and cheerleaders Cara Bock, Jen Schmidgall, Carly Funk, Ariana Bourland, Sarah Thomas, Katie Sonneborn, Brie Riggins, Jaclyn McMillan, Cassie Simpson, Jenna Tippin, Alternate-Stephanie Cameron and Coach Erica Shannon; and

WHEREAS, it was certainly a thrilling year, one that will leave many with memories that will last a lifetime;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 11, 2000, as PLEASANT PLAINS CARDINALS HIGH SCHOOL BASKETBALL TEAM DAY in Illinois.

Issued by the Governor April 10, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-211

##### REVEREND MICHAEL LOUIS PFLEGER DAY

WHEREAS, the Reverend Michael Louis Pfleger was born on May 22, 1949, in Chicago. He earned a Bachelors Degree from Loyola University and a Master of Divinity from the University of St. Mary of the Lake; and

WHEREAS, since 1968, Father Pfleger has lived and ministered in the African American community on both the west and south sides of Chicago. He was ordained a priest for the Archdiocese of Chicago on May 14, 1975. In 1981, at the age of 31, he became the youngest full pastor in the diocese when he was appointed pastor of St. Sabina Catholic Church; and

WHEREAS, in 1981, he became the proud adoptive father of an eight-year old son, Lamar. He also became the adoptive father of his second son, Beronti, in 1992; and

WHEREAS, Father Pfleger's efforts and commitment to equality and his passionate stance against injustice have been recognized locally and nationally. He is the recipient of numerous awards and honors. Father Pfleger has served as advisor and consultant to several organizations and has preached

revivals and given lectures all over the world; and

WHEREAS, on Friday, May 5, 2000, the Faith Community of Saint Sabina will honor Reverend Michael Louis Pfeleger on his 25 years of service at the Museum of Science and Industry in Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5, 2000, as REVEREND MICHAEL LOUIS PFELEGER DAY in Illinois.

Issued by the Governor April 10, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-212

##### FOOD ALLERGY AWARENESS WEEK

WHEREAS, hundreds of Americans die each year due to food induced anaphylaxis. The deaths are caused by individuals unknowingly eating a food containing an ingredient which they were allergic to; and

WHEREAS, anaphylaxis is a sudden, severe allergic reaction involving major organs in the body simultaneously. In severely allergic individuals it can cause death in a matter of minutes; and

WHEREAS, children are the largest group affected by food allergies. Researchers estimate 6 to 7 million Americans have food allergies. Symptoms can include hives, vomiting, diarrhea, respiratory distress, and swelling of the throat; and

WHEREAS, eight foods cause 90 percent of food allergy reactions. These foods are shellfish, milk, eggs, nuts, peanuts, soy and wheat; and

WHEREAS, eating in restaurants and schools are the highest risk situations for people with food allergies. Often people serving foods are not aware of what ingredients were used in the preparation of the food they are serving and are unprepared to handle an allergic reaction; and

WHEREAS, there is no cure for potentially fatal food allergies. Strict avoidance of the offending food is the only way to avoid a reaction; and

WHEREAS, the Food Allergy Network (FAN) is a national, nonprofit organization dedicated to educating the public about food allergies and anaphylaxis, a potentially life threatening allergic reaction;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 8-12, 2000, as FOOD ALLERGY AWARENESS WEEK in Illinois.

Issued by the Governor April 11, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-213

##### RAMAYANA DAY

WHEREAS, the Ramayana is the lyrical story of Rama, who embodies the goodness of Man. It is also the story of love and devotion of a wife towards her husband; and

WHEREAS, this is the 2nd historical event for Chicago when communities from Thailand, Indonesia, and India will jointly present a major cultural event; and

WHEREAS, the objective of the performance is to feature the common cultural thread among these three Southeastern Asian Communities promoting good will and a better understanding of each other's cultural traditions; and

WHEREAS, approximately 95 Chicagoland artists from these three international communities presented episodes from Ramayana in 1999, celebrating

their common heritage; and

WHEREAS, Thailand, Indonesia, and India will present a joint international dance drama program featuring the ancient epic, Ramayana, Saturday, April 22, 2000, at the Skokie's North Shore Center for the Performing Arts;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22, 2000, as RAMAYANA DAY in Illinois.

Issued by the Governor April 11, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-214

##### SKOKIE FESTIVAL OF CULTURES DAYS

WHEREAS, the Skokie Festival of Cultures was created to celebrate the ethnic and cultural diversity of Skokie which is a community with many cultures, races, religions and nationalities; and

WHEREAS, the Skokie Festival of Cultures promotes an appreciation and understanding of cultural diversity through the traditional ethnic/folk arts, music, dance, art, literature, history, education, film, demonstrations, exhibits and food; and

WHEREAS, the Skokie Festival of Cultures strengthens relationships within the community by fostering communication between social, civic, and educational groups; and

WHEREAS, Mayor George Van Dusen and the Village of Skokie will host the 10th Annual Skokie Festival of Cultures May 20-21, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20-21, 2000, as SKOKIE FESTIVAL OF CULTURES DAYS in Illinois.

Issued by the Governor April 11, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-215

##### ACCESS LIVING DAY

WHEREAS, the largest minority in the United States comprises nearly one-fifth of the nation's population, all of whom are Americans living with a disability, including the more than 1,500,000 people with disabilities living in Illinois; and

WHEREAS, the Office of Human Services is working to make Illinois the nation's most accessible State through advocacy, education, training and direct services for people with disabilities of all ages in all aspects of life; and

WHEREAS, Access Living, an organization involved in education and advocacy efforts across the city, State and country, which is governed and staffed by a majority of people with disabilities, shares the State of Illinois' goals of independence, empowerment and inclusion of people with disabilities; and

WHEREAS, Access Living fosters the dignity, pride and self esteem of people with disabilities and enhances the opportunities available to them by offering peer-oriented independent living services, public education and awareness, individual and systematic advocacy and the enforcement of civil rights on behalf of people with disabilities; and

WHEREAS, for more than 20 years, Access Living has served nearly 3,000 people annually through its innovative programs within the community; and

WHEREAS, on June 19, 2000, Access Living will hold its 2000 Annual Benefit by honoring 20 of the great local and national leaders of the independent

living movement;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 19, 2000, as ACCESS LIVING DAY in Illinois.

Issued by the Governor April 12, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-216

##### ARMENIAN MARTYRS DAY

WHEREAS, 85 years ago, Armenians were forced to witness the genocide of their relatives and the loss of their ancestral homelands; and  
WHEREAS, the extermination of 1.5 million Armenians and the forced deportation of countless others between the years of 1915 and 1923 are recognized every year; and

WHEREAS, the Armenians continue to be a people full of hope, working side-by-side for the future of Armenia. Through their faith and pride in their heritage, the Armenians remain a strong and courageous people working toward rebuilding a firm foundation for Armenia; and

WHEREAS, Armenian-Americans have been forthright in their efforts to preserve their culture, heritage and language; and  
WHEREAS, the Armenian-American community has made significant contributions in all areas of life including education, medicine, science, business, arts, government and public service in Illinois; and  
WHEREAS, the Armenian community is commemorating the 85th Anniversary of the Armenian Genocide;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 2000, as ARMENIAN MARTYRS DAY in Illinois in remembrance of the 85th Anniversary of the Armenian Genocide.

Issued by the Governor April 12, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-217

##### DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

WHEREAS, the Holocaust was the state sponsored, systematic persecution and annihilation of European Jews by Nazi Germany and its collaborators between 1933 and 1945; and

WHEREAS, while Jews were the primary victims--six million were murdered--many others were also targeted for destruction or decimation for racial, ethnic national reasons; and

WHEREAS, the year 2000 marks the 54th anniversary of the international Military Tribunal's trial at Nuremberg of 22 major Nazi leaders, and the continuation of subsequent military tribunals at Nuremberg as well as in other allied-occupied sectors of Germany, to try additional Nazi criminals; and

WHEREAS, the charter for the Nuremberg trials established, for the first time in international law, that crimes against humanity and peace were war crimes and were punishable, thus making the individuals who were responsible for promulgating government policies that resulted in aggressive war and genocide accountable for their actions; and

WHEREAS, Americans recognize that, in addition to the need for international law to provide judicial accountability for crimes against humanity, each citizen is responsible for eternal vigilance against all

tyranny; and

WHEREAS, May 2, 2000, has been designated, pursuant to an Act of Congress, as a Day of Remembrance of Victims of the Holocaust, known internationally as Yom Hashoah;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2-9, 2000, as DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST in Illinois.

Issued by the Governor April 12, 2000.

Filed by the Secretary of State April 14, 2000.

#### 2000-218

##### MUSIC WEEK

WHEREAS, the period of May 7-14, 2000, will mark the 77th annual observance of National Music Week; and

WHEREAS, music is a vital part of the culture of every civilized nation; and the people of the United States are proving themselves to be a great music-producing and music-loving nation; and

WHEREAS, it is incumbent upon all of us to join together to advance the cause of music as an art and harmonious force, and to extend the radius of its influence among nations, groups, and individuals; and

WHEREAS, the pursuit of music, whether it be through study, composing, listening, performing, or participating, gives rich experience in human life; and

WHEREAS, the National Federation of Music Clubs through National Music Week provides an opportunity for the organized musical forces of the century, as well as religious and educational and civic groups, to join music lovers in emphasizing the joys and pleasures to be gained from making music;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7-14, 2000, as MUSIC WEEK in Illinois.

Issued by the Governor April 12, 2000.

Filed by the Secretary of State April 14, 2000.



Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number, Part number and issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) (Internet address).

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**EMERGENCY**

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